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GENERAL SECTION

TELEVISION IN THE PUBLIC SERVICE

by SIR IAN JACOB, K.B.E., C.B.

In this article the Director General of the British Broadcasting Corporation is primarily concerned with the continuance of a strong and independent body to conduct public service broadcasting.[1]

The B.B.C. Television Service was the first public television service in the world. It remains the best-known television service to be organised on public service lines. It began broadcasting on the 2nd November, 1936, and continued until the 3rd September, 1939, when the Government, for reasons of air defence, ordered a close down. In that time, audiences in the London area, to which transmissions were confined, had seen part of King George VIth's Coronation procession and the running of the only Derby to be televised so far. When the service closed down, there were about 30,000 receiving sets, but the Postmaster-General had not yet introduced a television licence.

Post-war development

It was not until the 7th June, 1946, that the service resumed. The Corporation's task in this immediate post-war period was two-fold : to expand the coverage of the Television Service and to improve the range and quality of its programmes. This had to be done at a time of financial stringency, of limited resources in building material and labour, without impairing the Sound broadcasting services which then had the overwhelming preponderance of the Corporation's audiences. In 1949 the first post-war transmitter was opened at Sutton Coldfield, Warwickshire, and, since then, new transmitters have been regularly brought into service until today 98 per cent. of the population is within the range of B.B.C. Television. The work of bringing programmes to the remaining two per cent., living largely in scattered communities in remote parts of the country, is proceeding with as much speed as possible and the Corporation will not be satisfied until coverage is complete.

It became clear at an early stage that the accommodation of the Television Service would require more elaborate premises than anything available at the pre-war Alexandra Palace studios. In addition to new quarters in London, it was also necessary to find suitable studios in the Regions. Here it was impossible to apply any uniform solution. The demands of a nation like Wales differ fundamentally from those of North Region, for example. Television too depends a great deal on film, not only for individual programmes, but for the many shorter filmed items used in magazine programmes and news bulletins. The acquisition of suitable studios for film making and the many ancillary processes that accompany it therefore provided another problem in the post-war period.

The Corporation was fortunate enough to solve its immediate need for studios in London by taking over the old film studios at Lime Grove, Shepherds Bush. These came into service in 1950. Four years later, the Corporation again took over premises from the film industry when it acquired for its own film department the famous Ealing Studios. In the meantime, hampered by capital restrictions which prevented rapid progress, plans were laid for the building of a Television Centre in West London, close to the White City Stadium. This building will accommodate studios and offices. It is expected to be in partial use in 1959, although the first studio will not be operational before 1960. In the Regions too, premises have been converted, stage by stage, for television. Although, with a single service, there has been little opportunity for Regions to provide programmes for their own audiences and their output has been largely for the network, Regional premises and staff have remained part of the Regional establishment. There has been no attempt to reduce Regional autonomy by denying them control over their television resources.

In 1950 a Director of Television was added to the existing Board of Management which had, until then,

[1] This article is reprinted from the Winter 1958 number of *Public Administration*, the journal of the Royal Institute of Public Administration, by kind permission of Sir Ian Jacob and of the Editor.

consisted of the Director-General and five Directors (Director of Technical Services, Director of Overseas Services, Director of Administration, Director of Home Broadcasting, and Director of the Spoken Word). The present structure of the Television Service provides for a Deputy Director, with responsibilities for the overall planning of programmes, and a number of Controllers, with special responsibilities in the separate fields of programme planning, programme servicing, engineering and administration. Each Controller has answerable to him a number of Heads of Departments. The pattern follows closely that in the Sound Broadcasting Directorate. One exception to this is the relative strengths of the servicing departments in Sound and Television, since it is inevitable that a great many more people are required to put a television programme on the air. With producers, designers, cameramen, scene shifters, property men, wardrobe mistresses, make-up artists and transport drivers, a television production resembles an iceberg of which the greater part is invisible and even unsuspected. It is certain that the effort required to stage a musical play in the West End of London is often expended two or three times an evening in the television studios.

Since the resumption of programmes in 1946, the output has risen from a few hours a day to an average of fifty-five hours a week. Neither television authority is permitted by the Postmaster-General's rules on hours of broadcasting to transmit for more than fifty hours a week or eight hours on any one day, but religious broadcasts, schools programmes and relays from public events are exempted from the reckoning. The number of outside broadcasts is, however, limited by an annual total of hours that may be broadcast from such events. In the summer months the outside broadcast units provide a great deal of material. The ability of these units to defy almost any obstacle has often been demonstrated in the past in programmes from aircraft, submarines or the bottom of coal mines. The B.B.C.'s studio productions demand the regular use of sixteen studios in and outside London, as well as a number of smaller studios for interviews. A third source of programmes is filmed material, often shot in parts of the world still inaccessible to the television camera. Twenty-nine per cent. of all B.B.C. television broadcasting in the second quarter of 1958 was on film, although much of this consisted of filmed material used to illustrate programmes otherwise live.

Television now costs the B.B.C. approximately £3,400 an hour, a figure which reflects a steady increase in costs since 1946. This is due partly to a general rise in process and partly because technical advances have made more elaborate programmes the rule. Television, too, is now expected to range the world and this has its consequences in higher costs. In providing for the Television Service, however, the B.B.C. has not reduced the share of Sound broadcasting in the licence revenue, even though television is approximately ten times more expensive than sound. From every £4 paid to the Post Office for a combined Sound and Television licence, the Corporation eventually receives less than £2 10s.

Divided control

In 1954, after a passage through Parliament which provoked much controversy, the Television Bill became law and the Independent Television Authority was set up. The Authority was charged with the provision of television programmes additional to those provided by the B.B.C., but inevitably the position of the Corporation and the Authority has been interpreted as competitive. The effect of this competition on the B.B.C.'s endeavours has not been very pronounced. The B.B.C.'s basic policy in television has not been changed. It has continued, within the scope of a single network, to give as comprehensive a service to the public as possible. In theory, the existence of the two channels ought to provide the audience with a sensible choice. In practice, however, this has not worked out. The two networks go their separate ways and the public is denied true alternatives. Competition in broadcasting inevitably produces this result. If the public is to get the best out of two channels, then those channels should be planned in relation to one another. This is impossible when their control lies in different hands. The possibilities of television are being dissipated by the present system and the public deprived of many programmes which alternative planning could bring them.

It may be argued that the B.B.C. is in a position to ignore the relative size of its audience and that it is not obliged to compete with Independent Television. But, to some extent, it must compete for its audiences, or its audiences will diminish beyond that level at which the Corporation could continue to claim that it is the national broadcasting authority. This is the situation into which the Corporation has been placed by competition. The Corporation's Television Service, and thus the public, has been denied that freedom of manoeuvre which a second channel would give. The Corporation, confined to a single service, has to some extent been prevented from performing to the full those public service obligations set out in the Charter.

Within these limitations, the B.B.C. tries to provide a balanced, yet diverse, service of programmes. It is aware that the majority of its audience looks to it for entertainment. Nonetheless, entertainment need not be unthinking. The element of curiosity is strong among many viewers. For them television can act, in a still expressive phrase, as a window on the world. Many programmes therefore, without making any appeal to their audience by sensational methods, try to stimulate that curiosity. A recent series on evolution, for example, drew an average audience of two and three-quarter millions. But television is, above all, the medium of immediacy. Within a matter of hours, film cameras can bring to the television screen a record of events

happening on the other side of the world and, in the same short space, expert opinion can be gathered from a dozen countries. The B.B.C.'s reflection of current affairs can be divided into two groups; the straight reporting of news and the broadcasting of background commentaries. For some time the Corporation has been feeling the need for a closer relationship between the departments concerned in this output. It has, accordingly, recently appointed a Director of News and Current Affairs, whose responsibility it is to coordinate and supervise these activities in both Television and Sound. The B.B.C. has a number of programmes regularly concerned with current events, including " Panorama ", which has an audience of eight and three-quarter millions, and " Tonight ", seen on each weekday evening by an average audience of five millions. In addition, the Corporation holds itself free to interrupt its advertised programmes when the importance of current news demands. This was demonstrated on a Saturday in July this year (1958) shortly after the Iraqi revolt, when a special report on the Middle Eastern situation displaced almost an hour of the planned schedule. This was an example of the flexibility of a system which is not geared to the split-second timing of commercial broadcasting.

The Corporation televised its first programme from Europe in the summer of 1950 when viewers were able to see pictures from Calais. Since then greater and greater distances have been covered. Programmes have come from Sweden, Czechoslovakia and Italy, while, on Bastille Day, 1958, the first pictures were received from Algeria. In exchange, the Corporation has transmitted many programmes to countries in Europe. It cannot be long before Europe and America come within the range of a similar exchange and work is continuously being undertaken to provide an effective link.

This kind of experimental work is characteristic of much that is being done by the B.B.C.'s Engineering Division. It is work that will eventually be of benefit not only to the B.B.C., but to any other organisation which likes to make use of it. The B.B.C. has always regarded its experimental work as part of its public service duty and has always made the results available to the public. Some of the most valuable work in television development has been done in B.B.C. laboratories. Earlier this year, a new method of recording television programmes on tape was made public. This Vision Electronic Recording Apparatus (known briefly as V.E.R.A.) will make possible the rapid recording and editing of programme material. The previous method of recording on film was considerably slower as no editing could be undertaken until the film had been processed. With V.E.R.A., editing may take place as soon as the recording has been made. Another field of television research in which B.B.C. experiments have been prominent is that of colour television and the B.B.C. now has a workable system that will transmit both in colour for suitable receivers and in black-and-white for ordinary receivers.

The Corporation has, for many years, had its own training department. The department runs a number of courses on different aspects of broadcasting in both Sound and Television. Students for these courses are drawn not only from the staff of the B.B.C., but from other organisations abroad. In the past, courses have included visitors from Nigeria, Ghana, the West Indies, Rhodesia, Thailand, and Yugoslavia. To many broadcasting organisations in these countries the B.B.C. has played tutor and will continue to give its help in this way as long as it is sought. Members of the B.B.C. staff are often seconded for short periods to set in operation new broadcasting systems in the colonies or the new dominions. All this activity is a natural part of those responsibilities which lie upon the public service broadcasting authority and it is difficult to overestimate its long-term value to the country as a whole.

Competition and Public Service

Day by day, through television, the world is contracting before our eyes. The possibilities for abusing this immense power are clear. It would be idle to pretend that there are not strong forces already exploiting them or planning to exploit them further. There are, on the one hand, those who see in television only another medium in which they may advance their own political ends and, on the other, those who see television as no more than an addition to those advertising media of Press, radio, and cinema which have served them so profitably in the past. But to adopt either of these attitudes is to belittle the potentialities of a medium which can do much to enhance men's understanding of the world and their enjoyment of it. The manner in which television is controlled, therefore, is a matter for general concern, the question being simply whether television shall be operated for personal profit, of whatever kind, or whether it shall be operated in the public service. The public service system, like other British institutions, depends upon checks and balances, but, if it is to be successful, there are two important conditions to be observed. They are independence and public trust. Neither can exist without the other and it is of interest to consider their nature at some length.

Independence for broadcasting means freedom from two kinds of pressure, the political and the economic. The nature of political pressure is obvious, ranging from direct interference by the Government to the waging of a campaign by a small section of opinion for some particular political end. Economic pressure is, however, more subtle and it has two aspects. The first is the demand that public service authority should depend to some extent on advertising revenue. At first sight, there is nothing unreasonable in such a suggestion. The argument is persuasive, that the licence revenue could

therefore be reduced and the benefit passed to the public in a lower licence fee. But it is important to note the probable consequences of such a development. Advertisers are bound to measure results by the amount of business attracted. If programmes failed to attract sufficiently large audiences for the advertiser, there would be a demand for a change in their content. There is little doubt that such a change could only be made at the expense, not necessarily of standards although this is probable, but of the comprehensive service to its audiences which the public service authority is bound to provide. It is impossible to compare in absolute terms the merits of a symphony concert and variety programme, but there is no doubt that the advertiser if it were commercially advantageous to do so, would seek to remove the concert in favour of the variety programme.

I am not here intending to describe actual conditions anywhere existing but rather to illustrate the general characteristics and typical trends of the commercial system. In practice, in this country and elsewhere the commercial system is regulated in the public interest by legally established restraints.

The second form which may be taken by economic pressures on independence is the creation of a commercial system in competition with the public service authority. The virtues of competition are not, of course, equally applicable to all activities. It cannot be said too often that there is a thoroughly bad analogy between competition in industry and competition in broadcasting. The analogy is scarcely more satisfactory when applied to the Press and broadcasting. It is not at all clear what the competitors in broadcasting are competing for. If the answer is that they compete for larger and larger audiences, then there again arises that threat to standards and comprehensiveness already noted. The most popular items must inevitably prevail. But this is to measure broadcasting by the wrong standards and shows a misunderstanding of its true ends. It is impossible for broadcasting to exceed the number of wavelengths available and the number of hours in any day. It depends for much of its time on the limited amount of creative talent available. (At no time in the world's history has there been such a demand for talent of all kinds as there is at the moment and no one can be altogether happy at the way in which the demand is being met.) Such limitations do not apply to the same extent to industry nor, generally speaking, to the Press. The application of commercial criteria of success to broadcasting can only produce lower standards. What happens when this occurs can be seen in the United States. The intelligent content of American broadcasting output is relatively low and one can only welcome the signs of disquiet that are following a growing realisation of this fact.

The threat to standards inherent in a thoroughgoing commercial system has already been noted but it may be valuable to consider the threat to comprehensiveness that also arises. Under a fully developed commercially competitive system a broadcasting organisation could not afford to devote programme space at the most valuable time to a minority, even though in actual numbers the minority may be substantial. This type of competition would tend inevitably to reduce and in the end to eliminate the time available for purposes other than entertainment.

The B.B.C. has devoted much time and effort to serious music and has played a part in developing the large new concert-going public. There is no doubt that television can undertake the same kind of educative work for the visual arts. Something has already been done in this direction. The B.B.C.'s regular visits to museums and galleries have invariably been followed by a rush from the public to visit these places for themselves. The present interest in archaeology has been stimulated by television programmes. The kind of work represented by these two examples would inevitably become threatened by absorption into a commercial system. There is yet another danger. Where competition for the largest audience is supreme, the tendency is to avoid anything which is not generally acceptable or which might be found disquieting or uncomfortable. The tendency may express itself in a political argument or a religious discussion. Where the eye has constantly to be kept on the large audience, conformism is at a premium. And this cannot be healthy in a democracy. Competition, where it is carried to extremes, is a continuing threat to freedom of expression. This is only another example of the errors of attempting to apply commercial standards of success to broadcasting.

Divided voices

There is one final consequence of yielding to these pressures from political or economic quarters. It is more than ever important that a nation should be able to speak abroad with a recognisable voice. This voice must be composed of many opinions at home and must not serve any particular section of opinion. But a nation cannot be fairly interpreted abroad if its intentions and achievements are reported with a variety of tendentious voices, some coloured by political interests, some by economic. The greatest value of the B.B.C. during the war to people overseas was the knowledge they had that, whatever the news, it would be presented in the same objective way. The voice was recognisable and authoritative. That tradition has been continued since the war. This same authoritative and recognisable quality is also valuable at home. At times of national crisis or at moments when the emotions of the nation are drawn together by a single event, as at the Coronation, the existence of a single authority to express the national mood is uniquely justified. It is a source of great strength to the nation.

But independence alone is not sufficient. There must also be public trust in the broadcasting organisation

if so powerful a force as broadcasting is to be exercised largely free from extraneous supervision. Those who compose the organisation must themselves be seen to be independent and must bring collectively to the exercise of their powers experience gathered in a wide field. If they do not, then their interpretation of the public interest will immediately be suspect. At the same time, it is important that their conduct should be subject to scrutiny by the public. Without an alert public, the powers given to the authority could become a dangerous weapon. From time to time it is suggested that benefit would follow a division of the Corporation into a number of smaller bodies, each responsible for a single aspect of broadcasting. There would be separate authorities, for example, to control Sound broadcasting, Television and the External Services. Not only would such a system be extremely expensive for the national economy to sustain, since many facets of administration would have to be multiplied by three, but it would deprive the nation of the strength which comes from a unified broadcasting system. The dangers of the nation appearing to speak with two or three different voices would be very real. The inter-relation of external and domestic broadcasting is much closer than might be suspected. Many programmes are exchanged, for example. Under any diverse system, such exchanges might continue, but machinery would be needed to operate them effectively. There are many points of inter-relation between Sound and Television broadcasting. These too would be in danger of disappearing if the present unity were ended.

The same weaknesses would emerge if another alternative proposal were put into practice. This has been given some currency by those who would like to see the Corporation continued to the satisfaction of minorities, while they themselves were free to attend to the majority audience. The dangers are obvious. The Corporation in such circumstances could no longer be regarded as a national body. The Corporation's authority would diminish at home and abroad. The loss to the nation would be serious. If public service broadcasting is to be effective, it must be comprehensive. It must be a potent force in the country, known and recognised by the country as a whole.

In television, the need for the B.B.C. to have a second channel is of considerable importance. The public service system of broadcasting is alone equipped to provide a genuinely alternative service for the public. It is argued by some that the cost of such a service would be beyond the B.B.C.'s resources, but this is not true. If the B.B.C. were allowed to have the entire proceeds of the £4 now paid by the public to the Treasury, a second service could be provided of the quality which is needed. Independent Television claims that it could provide an additional service without cost to the public. But this is not a problem which should be resolved in terms of money. The issues are much deeper. They are the issues of democracy itself. It has been suggested that the independence of the B.B.C. is chimerical and that it would be exposed as such if the Government threatened to withhold its revenue. But this would be a much graver step for the Government to take in the full light of public scrutiny than for an advertiser who, for one reason or another, withdrew his support from a commercial system. Indeed, in a democracy, Governments are a great deal more responsive to the pressures of public opinion than commercial undertakings. It is hard to believe, therefore, that a democracy which has regard for the needs of minorities and where the majority respect traditional values can afford to have as its principal broadcasting authority in a medium so powerful as television anything but a public service, trusted and independent.

BROADCASTING AND TELEVISION IN MOROCCO

by A. BERRADA

Technical Director of the Moroccan National Broadcasting Service

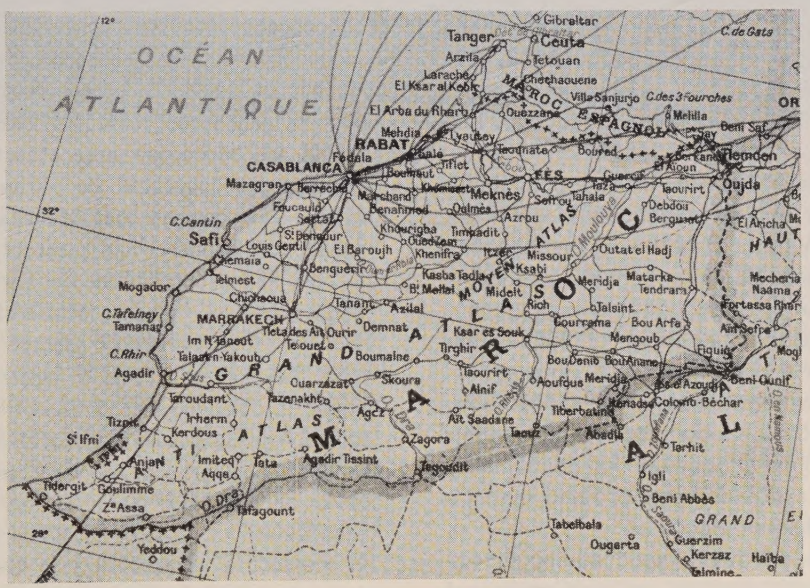
Broadcasting came to Morocco in 1928, in the shape of a little transmitter put together almost on the spot by some telecommunications technicians which sent out programmes in Arabic and French. Although it was something of a latecomer by comparison with the European countries, Morocco now possesses very up-to-date equipment. Television began in 1954 but had to close down some time afterwards.

Having first seen the light in a department of the Post Office the Moroccan National Broadcasting Service has remained attached to that department in spite of its subsequent growth. However, the Moroccan National Broadcasting Service is a self-contained government agency endowed with legal capacity and financial independence. The Director has responsibility for general administration and is also in overall charge of programmes; he maintains contacts as required with the other Ministries and represents the station in international broadcasting and television organisations.

The Director of the National Broadcasting Service also has close ties with the Ministry of Posts, Telegraphs and Telephones under whose jurisdiction he comes and with the Department of Public Information for the news bulletins and other broadcasts of the *journal parlé*.

A *Conseil supérieur*, roughly equivalent to a Board of Governors, has been set up with the task of supervising the whole of the programme service. Members of the Board are appointed by decree.

Nowadays Morocco is an independent, unified country, but until 1956 it was divided into two main zones under French and Spanish protectorates, as well as an international zone. Each of these countries applied its own broadcasting system in its respective zones. Upon the coming of independence, Morocco was faced with a hotchpotch of broadcasting services and broadcasting corporations, and had to try to weld them all into a single service.



MAP OF MOROCCO

On a map of Morocco the former occupation zones can still be seen. These zones were as follows :

Southern Zone: under French protectorate, the largest zone in both population and area.

Northern Zone: under Spanish protectorate.

Tangiers: free (international) city.

These were the three main zones, not counting the various enclaves both in the north and in the south which are still under foreign rule.

As stated above, the administrative arrangements in each zone varied according to the country under whose jurisdiction it came. In the former French zone, broadcasting is a State monopoly operated as a public utility and licence fees are levied. The methods of collection and the fees were identical to those in France.

In the northern zone under Spanish domination the Khalifa, or representative of the Sultan, had granted a broadcasting concession to a private company which also operated the telecommunications concession. This company set up a transmitter and studios in Tetuan. The company is still in being, despite the business difficulties it must be encountering because the revenue from advertising is low and no licence fee on sets is payable. This station is to be taken over by the State in the immediate future, and the take-over will enable the State monopoly to be extended and the compulsory licence fee to be introduced.

Since the Moroccan State monopoly of broadcasting did not extend to Tangiers, which until 1956 was an international city, anyone could set up a broadcasting station on mere application to the Governor of the Zone, and as a result two powerful stations, Radio Africa Maghreb and Radio Tangiers International, were established, together with a small transmitter belonging to the Pan American Radio Co. and the Pan American Radio International Co.

The privileged status of Tangiers makes it possible for these stations to cater to a wide audience in Morocco, Algeria and Spain. With their short-wave facilities they can easily reach northern Europe, where it appears they have a good number of listeners.

The " Voice of America " has set up one of its principal relay stations for the Middle East in Tangiers.

What with the relay posts established for the telecommunications of R.C.A., Mackay Radio, the maritime radio stations of the Post Office, etc., the little zone of Tangiers has become a regular forest of radio masts, a most surprising sight for the uninitiated.

After Independence, the Moroccan National Broadcasting Service came into being and the State announced its intention of extending its monopoly to the whole country. Negotiations are afoot for the National Broadcasting Service to buy out the concession in the northern zone, and an Interministerial Council has been formed to deal with the problem of the broadcasting stations in Tangiers. It has become compulsory to take out a licence throughout the country, the licence fee remaining at 1,500 francs. The National Broadcasting Service is thus becoming a public service, and must therefore review its programmes and its equipment to cope with its new responsibilities.

THE AUDIENCE OF THE NATIONAL BROADCASTING SERVICE

At the present time the Moroccan National Broadcasting Service has three *chaînes* or services, and seven programmes.

Service A — Arabic programme, 100 hours' air time per week.

Service B — French programme, on the air 78 hours per week.

Service C — Berber, Spanish and English language programmes.

These programmes are purely for home consumption, although their diversity is somewhat reminiscent of short-wave programmes beamed to foreign countries.

This diversity of programmes stems from a diversity of languages which is a feature of Morocco. The indigenous population speaks Arabic and Berber, but there is a sizeable European population in Morocco as well, the chief languages of which are French, Spanish and English.

Space will not permit me to dwell on the origins of the Arabic language and how it took root in Morocco, but the important thing to know is that what is commonly termed " classical Arabic " is common to all countries of Arabic language and culture, though each of these countries has a spoken language which differs from the others by its intonation and, less frequently, by its vocabulary. It so happens that of all these dialects those which have remained closest to the classical Arabic are Moroccan and Mauritanian. The Arabic language has preserved its purity in Morocco largely because that country and Mauritania (which were previously one country) had until 1912 remained in isolation and had not undergone the Turkish influence, despite all the waves of invaders who had always been obliged to halt at the frontiers of Algeria.

As the dialect is not a written language, classical Arabic is chiefly used. This is the official language of all the Arab countries, and is also a splendid language for broadcasting, full of rich intonations. It has a knack of attracting the attention even of people who cannot speak it. In the National Broadcasting Service, on the Arabic service, 70% of the programmes are in classical, the rest in dialectal Arabic; two news bulletins a day are given in dialectal Arabic and three in Berber dialects.

The origins of the Berber language are a mystery even to the philologist. There are a number of conflicting theories to explain the origins of what is one of the most ancient tongues on earth. Not being a written language there are several dialects, of which three main ones are spoken in Morocco. There is Tachelhit, spoken mainly in the Southern part of Morocco and in part of the Atlas range; there is Tamashek, which is spoken in the Atlas; and lastly there is Tarifit or the Riff dialect which is chiefly confined to the Riff. Strictly speaking there is no clear-cut boundary between all these dialects; they are mostly met with in the areas mentioned above, but throughout the country one comes across well-defined groups which speak a different dialect from the rest of the zone in which they live.

(Photo Jacques Belin)

BROADCASTING HOUSE AT RABAT

The French-speaking population is mainly made up of civil servants in the service of the Moroccan Government or tradesmen settled in the towns, together with a few small-holders, all in the southern part of the country. The Spanish zone in the north has a Spanish-speaking population, while the United States bases have brought in a fair number of listeners whose mother tongue is English, whom the National Broadcasting Service caters for with several hours' broadcasting a week.

The multitude of local dialects makes it difficult to organise a standard service or single programme for the whole country; although the majority of the population speaks and writes Arabic, it is imperative to provide some service for each of the different linguistic minorities in its own language.

One of the characteristic features of Morocco is the agricultural character of the country. Recent census figures have shown that only 20% of the population are urban dwellers, and also that the greater part of the population is situated north of the Atlas mountain chain. South of that chain the country is mostly desert, and the density of the population falls off rapidly. Towns of 4,000 or 5,000 inhabitants are sometimes several hundred miles apart. It is feasible to cover the northern region with a network of transmitters, but the problem is a thorny one in the south, and it is possible that we shall adopt local wire broadcasting as the solution. Now that it has become a public service, the Moroccan National Broadcasting Service is morally obliged to give everyone a chance to listen in to the national programmes under the best possible conditions.

THE PROGRAMMES

From the very beginning the Government was alive to the value of broadcasting in a country where there is a high proportion of illiteracy. The Government's chief preoccupation is to try and put on the market cheap receiving sets operated by dry cells or solar batteries, for there is no electricity in a large part of the country.

The problem is a difficult one, and one that besets a large number of countries. Unfortunately we have yet to find the solution to it.

The motto " information, education, entertainment " here comes into its own, and this is due to the fact that, as mentioned above, there are in Morocco a large number of illiterates whose only source of information and amusement is the radio. One only has to glance at the increase in the number of sets declared to the licensing authorities to understand the popularity that broadcasting has experienced in recent years.

An anti-illiteracy campaign has been launched under UNESCO auspices since the coming of independence. The number of people who have taken advantage of this campaign and who now are able to read and write runs into thousands. Although it is hardly the best instrument for such a campaign (television would be much more effective), the National Broadcasting Service has nevertheless waged an all-out propaganda campaign from the outset and is continuing to give lessons which are mainly of value to those living far from the built-up areas who have no other means of widening their horizon.

This field of fundamental education is not the only one where broadcasting can render valuable services. Even more important is education in civics and citizenship to enable men and women to adjust themselves to their new life. Basic to this subject is the education of the Moroccan woman, who until a year or two ago had remained in cloistered seclusion and who is now becoming emancipated. Whenever it is necessary to appeal to the people for their help in projects for the common good, the radio makes it its business to give the scheme wide publicity and to explain its usefulness. The following are a few examples : the Highway of Unity, reafforestation, the anti-acridian campaign, the encouragement of handicrafts, etc.

To give an idea of the general programme trend, here is a breakdown of programmes by major divisions during the 1957-8 season : religious broadcasts 7%, news and current events 10%, educational and cultural broadcasts 20%, music and variety 63%.

For some years the broadcasting service has been the prime mover in artistic movements in Morocco. It has made it possible to give the theatre a new lease of life, and nowadays the Moroccan companies more than hold their own in international competitions. Through its tours and its public performances the National Broadcasting Service has " discovered " many young artists and performers who are now on the high road to success.

EXCHANGES WITH OTHER BROADCASTING ORGANISATIONS

The existence of a French-language service that is almost as important as the Arabic one makes possible a two-way traffic of exchanges with the French-speaking countries, and primarily with the Radiodiffusion-Télévision Française. To these countries the Moroccan National Broadcasting Service cannot send much in the way of French-language programmes, but it can and does send a large number of recordings of folk music that are extremely well received.

Our exchange needs are greatest with the Arab countries, and of those countries Tunisia is as interesting to us as our programmes are to her. This year saw an exchange of two variety companies between Morocco and Tunisia, both of which met with great success in both countries.

For something like a year the countries of Central Europe have been showing interest in Moroccan music, and the folk music of those countries is well received in Morocco. A troupe of Czechoslovak dancers that was invited over last year was a success both with the European and the Moroccan population.

TELEVISION IN MOROCCO

Television started in Morocco in 1954. The concession was held by a private company known as TELMA, and it began broadcasting in Casablanca and Rabat, with plans to extend to Fez and Tangiers. It went off the air two years later. In the concession it was provided that it would give programmes in Arabic and French, and the time allotted to advertising was strictly defined. In return the State was to issue licences; for the first five years 80% of this licence revenue would be paid to the TELMA as a subsidy to enable it to launch itself. Despite this help, the company ceased broadcasting, though its equipment is still there and ready to operate.

The Government will have to settle the problem of this concession before it considers setting up a new television service.

PROGRAMME CONTRACTORS IN BRITISH INDEPENDENT TELEVISION

by NORMAN COLLINS

Chairman, Overseas Committee of the Independent Television Companies Association

In September 1955, only 190,000 homes in Britain were equipped to receive the programmes of Independent Television. Today this total exceeds 7 million, three-quarters of all television homes, and is still increasing. More than 85 per cent of the British population live in areas reached by programmes transmitted by the Independent Television Authority. Over 24 million people, almost half the entire population, now view Independent Television in their own homes.

In January 1959, according to the statistics provided by the independent TAM (Television Audience Measurement) and Nielsen research organisations, viewers in homes able to choose between ITV and BBC programmes gave 73 per cent of their viewing time to Independent Television.[1]

The position of the independent programme contractors.

The Television Act 1954 vested overall control of Independent Television in the Independent Television Authority (ITA) which for a period of ten years was empowered to provide " television broadcasting services, additional to those of the British Broadcasting Corporation and of high quality, both as to the transmission and as to the matter transmitted..." The Act lays down that except in certain defined circumstances programmes themselves shall be provided not by the Authority but by programme contractors " who, under contracts with the Authority, have, in consideration of payments to the Authority... the right and duty to provide programmes or parts of programmes to be broadcast by the Authority, which may include advertisements ".

In practice, the ITA establishes the television transmitters, rents broadcasting time on these transmitters to the programme contractors appointed by the ITA, and generally surveys the programmes and the advertising which accompanies them to see that the terms of the Television Act are observed. Under this arrangement the revenues from advertising go direct to the programme contractors and not to the ITA. The continuing faith of advertisers is shown by the fact that their expenditure on television during 1958 amounted to some £48½ million, a fifty per cent increase on the previous year. (It should be noted that no allowance is made in these figures for agency fees or for series discounts, which probably reduce the total received by the contractors by some 25 per cent. The gross receipts of the programme contractors for 1958 were therefore somewhere in the region of £36½ million.)

Here it must be appreciated that the Act itself was a typically British device of compromise. While it departed in all salient facts from the concept of the BBC with its income receivable from the Postmaster-General, it was as much at variance from the American system of sponsored programmes—the system which has resulted in much broadcasting of the first excellence—under which advertisers themselves are responsible for programme content as well as for the advertisements. Sponsorship of this kind is specifically prohibited under the Television Act. Independent Television in the United Kingdom has grown up under a system whereby the advertiser purchases time precisely as the newspaper advertiser purchases space. No connection between programmes and advertisements is permitted by law, although advertisements may be placed in juxtaposition to particular programmes.

With only four channels so far made available by the Government, the ITA has not been able to provide more than one independent service for each area. Nevertheless, the Television Act called upon the Authority to do all it could to secure adequate competition between the programme contractors, a requirement which the ITA met, within the limitations of only four channels, by dividing the programme time in the three largest areas between four companies. The division was made into London weekdays, with Associated-Rediffusion Ltd. as the programme contractor; London weekends and Midlands weekdays, with Associated Television Ltd. as contractor; the Midlands and North at weekends with A.B.C. Television Ltd. as contractor; and the North weekdays, with Granada T.V. Network Ltd. as contractor. The first programmes were broadcast in the London area from September 1955, in the Midlands from February 1956, and in the North from May 1956.

The programme contractors appointed after the four " parent " companies have a smaller population coverage and have therefore been given contracts for the full week's programming in their areas. Subsequently, programme contractors were appointed as follows : Scottish Tele-

[1] Viewing figures for the last quarter of 1958, according to the BBC, can be found on page 32 of *EBU Review*, No. 53 *b*. (Ed.)

vision Ltd. for Central Scotland; Independent Television for South Wales and the West of England Ltd.; Southern Television Ltd. in Central Southern England; and Tyne Tees Television Ltd. in the North-East of England. All these companies are now in full operation. Programme contractors appointed but not yet operating are : Anglia Television Ltd. to provide programmes in East Anglia; and Ulster Television Ltd. to provide programmes in Northern Ireland.

Stipulations are written into the contracts of the programme contractors to ensure that programmes comply with the requirements of the Act; that control of the companies remains within the United Kingdom, and that they do not fall into the hands of persons or bodies associated with advertising; that they remain completely independent of each other both as to finance and control; and that there is adequate competition between them for the provision of programmes.

The initiative in actual programming rests with the programme contractors themselves. Networking arrangements are entered into between the individual contractors. Naturally, a high proportion of the networked programmes are originated by the four " parent " companies serving the main areas, but an increasing number of programmes are produced by the other companies in their own studios. It is in no small measure due to the friendly relationships among the programme contractors and between them and the Independent Television Authority that Independent Television in Britain has been so outstandingly successful.

The following particulars of the independent companies are based on information received from the companies themselves.

THE PROGRAMME CONTRACTORS

Anglia Television Ltd. expects to start broadcasting in the late autumn of 1959. It will provide programmes during the whole week in East Anglia.

The executive directors are : The Marquess Townshend of Raynham, D.L. (Chairman), Mr. Aubrey Buxton, M.C., Mr. L. P. Scott, and Mr. John Woolf. The Chief Executive is Mr. Donald Stephenson, C.B.E., the Chief Sales Manager is Mr. Michael Norman, the Programme Controller is Mr. Stephen McCormack, the Chief Engineer is Mr. Tom Marshall, and the Company Secretary is Mr. L. Boyd Kitching.

The capital is £110,000 in ordinary shares, with £330,000 of Loan Stock. The shareholding is : firms or private individuals residing in the coverage area, including the Norwich Union Insurance Societies, 55 per cent; Manchester Guardian, 20 per cent; Romulus and Remus Films, 20 per cent; others including Wyndham Theatres, 5 per cent. Two colleges of Cambridge University are shareholders, and two distinguished professors are members of the Board of Directors.

The Company's studios will be situated at Norwich. Anglia Television's own programme activities will be devoted partly to the production of programmes of very high quality with a view to their finding a place on the network, and partly to the presentation of characteristic interests and customs of the area.

A.B.C. Television Ltd. (ABC) (1956) provides the programmes in the Midlands and the North of England on Saturdays and Sundays. 1,170,000 homes in the Midlands and 2,287,000 in the North are equipped to receive the transmissions of Independent Television.

The executive directors of A.B.C. TV are : Sir Philip Warter (Chairman), Dr. Eric G. M. Fletcher, LL.D., M.P. (Deputy Chairman), Mr. Howard Thomas (Managing Director), and Mr. George A. Cooper (Advertisement Director). Other directors are Mr. C. J. Latta, Mr. Robert Clark, Mr. D. J. Goodlatte and Mr. W. Cartlidge. The principal executives include : Mr. R. T. Rowson (Programme Controller), Mr. B. Greenhead (Technical Controller) and Mr. R. W. Dickenson (Administration Controller).

A.B.C. TV is a subsidiary of Associated British Picture Corporation Ltd., one of Britain's two major film organisations.

A.B.C. TV has studios in Manchester, Birmingham, and London. There is also an ambitious production programme of films for television. ABC has specialised in drama, outside broadcasts, religion, and programmes for teenagers. Among the company's contributions to the network are : a weekly drama production; a half-hour drama series each weekend; the most advanced of contemporary music trends; the religious discussions in *The Sunday Break*; a fortnightly literary review *The Book Man*; a variety of sporting events; and alternately with ATV the weekly Sunday morning church service.

Associated-Rediffusion Ltd. (A-R) (1955) provides the programmes in London from Mondays to Fridays. 2,140,000 homes in the area are equipped to receive the transmissions of Independent Television.

The directors include : Mr. J. Spencer Wills, M. Inst. T. (Chairman), and Mr. P. Adorian, M.I.E.E., M.Brit. I.R.E. (Managing Director). The principal executives include : Capt. T. M. Brownrigg, C.B.E., D.S.O., R.N. (General Manager), Mr. John McMillan (Controller of Programmes), Mr. C. F. Elms (Business Manager), and Mr. Brian Henry (Controller of Advertisements).

The issued capital is £5 million. The majority of the shares are held by two companies : British Electric Traction Ltd. (50%), and Rediffusion Ltd. (37½%). After considerable losses on its initial operations, Associated-Rediffusion's profit before taxation for the year to 30th April 1958 amounted to £4.9 million. It is estimated that profits for the current year will exceed £7 million.

Associated-Rediffusion's studios are sited in London at Wembley and Television House, Kingsway. Among the company's contributions to the network are : a weekly drama production; regular afternoon broadcasts for schools; a programme covering current events entitled *This Week*; two quiz shows *Take Your Pick* and *Double Your Money*; a feature of scientific surveys by Dr. Bronowski entitled *New Horizon*; *Cool for Cats*; a programme introducing personalities from the field of entertainment, *Late Extra*; and *Boyd, Q.C.*, a drama series illustrating British justice.

Associated Television Ltd. (ATV) (1955) provides the programmes in London on Saturdays and Sundays, and in the Midlands from Mondays to Fridays. 2,140,000 homes in the London area and 1,170,000 in the Midlands are equipped to receive the transmissions of Independent Television.

The executive directors are : Mr. Norman Collins (Deputy Chairman), Mr. Lew Grade (Deputy Managing Director), Mr. Prince Littler, C.B.E. (Chairman), Mr. J.A.L. Drummond (Business Administrator) and Mr. Val Parnell (Managing Director). The principal executives are : Mr. Philip Dorté, O.B.E. (Midlands Controller), Mr. Patrick Henry (Sales Director), Mr. T. C. Macnamara (Technical Controller), and Mr. Bill Ward (Production Controller).

The issued capital is £2,325,000. ATV Ordinary shares (voting) are held in the following approximate proportions : Moss Empires Ltd. (theatrical productions), 26%; Daily Mirror Newspapers Ltd., 13%; Sunday Pictorial Newspapers (1920) Ltd., 13%; Pye Ltd., 11%; Westminster Press Provincial Newspapers Ltd., 6½%; Birmingham Post and Mail Ltd., 5%; Associated Electrical Industries Ltd., 5%; other holdings of under 5% total 19%. After considerable losses on its initial operations, ATV's profits before taxation for the year ended 30th April 1958 amounted to £3,665,909. It is estimated that profits for the current year will exceed £5 million.

ATV has four studios in various parts of London, film studios at Elstree, and a half-share in the Alpha studios at Birmingham. Among the company's contributions to the network are : the discussion programme *Free Speech*; the twice-weekly serial on hospital life *Emergency — Ward 10*; Val Parnell's international *Sunday Night at the London Palladium*; *About Religion*; *Right to Reply* in which public personalities confront their critics; regular drama presentations, including special H. M. Tennent productions with such artists as Sir Laurence Olivier and Sir John Gielgud; the popular science programme *It Can Happen Tomorrow*; and a variety of music programmes. Among ATV programmes originating from the Alpha Studios at Birmingham are : *Midland News*, the regional news programme; *Lunch Box*, a daily musical programme; and *Midland Farming*, specially broadcast in the evening to allow farmers to view.

Granada TV Network Ltd. (Granada) (1956) provides the programmes in the Northern region of England from Mondays to Fridays. 2,287,000 homes in the area are equipped to receive the transmissions of Independent Television.

The directors are : Mr. Sidney L. Bernstein (Chairman), Mr. Cecil G. Bernstein, Mr. Maurice King, Mr. Victor A. Peers, and Mr. John S. E. Todd.

All the shares in Granada TV are held by Granada Group Limited, a company operating the Granada group of theatres and ancillary enterprises.

The Granada TV Centre is in Manchester, and there are also studios in London. Among the company's contributions to the network are : at least two full-length drama productions each month; *Chelsea at nine*, the international variety show; *We Want an Answer*, the discussion programme in which young people question a famous personality; *Under Fire*, in which an audience tackles two experts in London on a controversial topic of the day; *Searchlight* (public affairs); the competition programmes *Criss Cross Quiz*, *Junior Criss Cross Quiz* and *Spot the Tune*; *The Army Game*, a comedy series with a background of army life; and the twice-weekly serial *Shadow Squad*.

Scottish Television Ltd. (STV) (1957) provides the programmes in Central Scotland during the whole week. 525,000 homes in the area are equipped to receive the transmissions of Independent Television.

STV's executive directors are : Mr. Roy Thomson (Chairman), and Mr. James Coltart (Managing Director). The chief executives include : Mr. Rai Purdy (Programme Director), Mr. Fred Becker (Chief Engineer), and Mr. Peter Cookman (Sales Director).

The equity capital of the company is £280,000. The shareholders are : Thomson British Publications Ltd., 72%; Thomson Television Ltd., 8%; Howard and Wyndham Ltd., 10%; private individuals, 10%.

STV's Television Centre is situated in and adjacent to the Theatre Royal in Glasgow. Local programmes include regular news bulletins, a news-magazine programme, and news flashes during programme breaks; the *Scotsport* series of sporting events; a midday entertainment show on weekdays *The One O'Clock Gang*; a weekly talent show *Stars in Your Eyes*; a puppet show for children; *This Wonderful World*, a weekly half-hour of memorable films introduced by Dr. John Grierson, the international film celebrity, occasionally contributed to the network; and *Jig Time*, a programme of Scottish country dance, music, and song.

Southern Television Ltd. (1958) provides the programmes in Central Southern England during the whole week. 380,000 homes in the area are equipped to receive the transmissions of Independent Television.

The directors of Southern Television include : Mr. John H. Davis (Chairman), Mr. D. F. S. McClean (Deputy Chairman), Mr. C. D. Wilson (General Manager), Mr. Roy Rich (Controller of Programmes), and Mr. Graham Dowson (Sales Director).

The capital is £99,999 in Ordinary shares, with £522,000 of Loan Stock. Southern Television is owned in three equal parts by the Rank Organisation Ltd., Associated Newspapers Ltd., and Amalgamated Press Ltd. (Amalgamated Press has now been bought by the Daily Mirror Group, which must relinquish this television interest. It already holds an interest in ATV, and the ITA requires that shareholders may not have major holdings in more than one commercial television undertaking.)

Southern Television's studios are situated in Southampton. Local programmes include : local news bulletins; a news magazine *Southern Affairs* under the chairmanship of Cyril Ray; a quiz show *Snakes and Ladders*; outside broadcasts of sporting events, regularly contributed to the network; *Farm in the South* under the chairmanship of Arthur Street; gardening programmes; and *Sports Club* under the chairmanship of Berkeley Smith, Southern Television's Head of Outside Broadcasting. A two-year exclusive agreement has recently been concluded with the Old Vic Company for twelve full-length major drama productions.

Independent Television for South Wales and the West of England (T.W.W. Ltd.) (1958) provides the programmes in South Wales and the West of England during the whole week. 465,000 homes in the area are equipped to receive the transmissions of Independent Television. The siting of the ITA transmitter at St. Hilary in Glamorganshire means that viewers are almost equally divided between two distinct areas on either side of the Bristol Channel.

The Directors include : The Rt. Hon. the Earl of Derby, M.C. (President), The Rt. Hon. Viscount Cilcennin, P.C. (Chairman), Mr. M. Chapman-Walker, C.B.E., M.V.O., and Mr. Alfred Francis, O.B.E. (Joint Managing Directors), Mr. Bryan Michie (Programme Manager), and Mr. Walter D. Kemp (Technical Controller). Mr. Stanley Leach is Sales Director. The Board of TWW is representative of various newspaper, civic and cultural interests, with a consultative Board for the conduct of the Company's policy in Wales.

At the time the company was formed the issued capital was £62,400 together with a substantial loan capital of which £327,915 was called up. The shareholders are : Lord Derby and Jack Hylton, 25%; News of the World Ltd., 20½%, and Berrow's Newspapers Ltd., 4%; Liverpool Daily Post and Echo Ltd., 14½%; Imperial Tobacco Co. Ltd., 6%; various businesses and private individuals, 28%.

TWW's headquarters and transmission studios are situated in Cardiff. Land suitable for other studios has been acquired in Bristol on the opposite side of the channel. The pattern of local programming is devised to express regional activities and interests, including magazine, discussion and women's programmes. A local daily news bulletin is produced together with light entertainments featuring quiz shows with local contestants. Special minority programmes in the Welsh language are presented on weekdays and a musical programme characteristic of the region—*Land of Song*—is contributed to the network monthly.

Tyne Tees Television Ltd. (TTT) (1959) provides the programmes in the North-East of England during the whole week. 375,000 homes in the area are equipped to receive the transmissions of Independent Television.

TTT's executive directors are : Sir Richard A. Pease, Bart., D.L., J.P. (Chairman), Mr. C. C. Darling, M.A. (Deputy Chairman), and Mr. J. A. Jelly (Managing Director). The chief executives include : Messrs. George and Alfred Black (Directors of Programmes and Production), Mr. Bill Lyon-Shaw (Programme Controller), Mr. D. G. Packham (Chief Engineer), and Mr. Peter Paine (Sales Director).

The issued capital is £58,000. The shareholders are : Daily News Ltd. (News Chronicle and Star), 21%; Messrs. George and Alfred Black, 21%; Northern Mercantile and Investment Corporation Ltd., 17%; Mr. Sydney Box, 7%; small minority holdings, 34%.

TTT's Television Centre is situated in Newcastle-upon-Tyne. Local programmes include : local news bulletins and a magazine programme covering local events; *The One O'Clock Show*; the *Bobby Thompson Show*; a weekly spotlight on a controversial topic affecting the North-East; a talent contest *At the Golden Disc*; sports programmes; *Happy-Go-Lucky*, a show for young people; *The Boys Request...*, messages and song requests from overseas Forces; and outside broadcasts.

INDEPENDENT TELEVISION NEWS LIMITED

The main news service of Independent Television is provided by Independent Television News Ltd. (ITN). This is a separate company, with its own studio and other facilities.

It was brought into being by the four original programme contractors, each of whom supplied two directors to its board. They have since been joined as members by the contractors for Scotland and Wales, each supplying one director. The other programme contractors are subscribers to the service. Two main news bulletins are transmitted daily, one early in the evening and one

at 10 p.m. It is a condition of the contracts issued by the Independent Television Authority to programme contractors that national and international news must be taken from ITN, although the companies may present their own local news.

ITN makes extensive use of film in its bulletins, and has a team of thirteen camera crews based on London and an extensive service of cameramen in other parts of the British Isles and overseas. In collaboration with CBS of America it has built up an international newsfilm agency service which provides film to a number of European, Australian, and Far Eastern stations. ITN avails itself of the Eurovision link to bring live and filmed reports into its bulletins. Editorially it has been marked by the development of the newscaster system, under which the news from the studio is broadcast by men who play a full journalistic role in assisting to shape and edit the bulletins, and act also as reporters and interviewers.

In addition to news, the programme companies have turned to ITN for a number of news feature programmes. The chief of these is a weekly foreign report—*Roving Report.*

The chairmanship of ITN rotates every six months between the representatives of the member companies. The current chairman is Mr. Victor Peers of Granada, to be succeeded by Mr. James Coltart of Scotland on 1st April 1959. The Director-General of the ITA, Sir Robert Fraser, attends board meetings as an observer. The permanent officers are :— Geoffrey Cox, C.B.E. (Editor); F.H.G. Taylor (General Manager); Ian Trethowan (Deputy Editor); T. Traill, C.A. (Secretary); and W. Sweeny (Chief Engineer).

INDEPENDENT TELEVISION COMPANIES ASSOCIATION LIMITED (ITCA)

ITCA is the trade association created to represent and promote the interests of the programme contractors appointed under the Television Act 1954. The governing body of the association is the Executive Council composed of principal executives of all the companies, and there are a number of committees. The Secretary is Mr. L. G. Parker, M.A., LL.B.

The Advertisement Committee comprises the sales directors or advertisement controllers of all the programme companies, and deals with matters relating to advertising. It has two sub-committees : the Agency Recognition Sub-Committee; and the Advertisement Copy Sub-Committee, which provides for the central scrutiny and clearance of all scripts for television advertisements.

The Children's Programme Committee has recently been appointed to make recommendations to the companies about the content of television programmes for children.

The General Purposes Committee is responsible for the finance and other internal affairs of the Association itself.

The Overseas Committee is particularly concerned with matters relating to E.B.U. and Eurovision. The Public Relations Committee meets to consider matters relating to publicity and public relations which are of common concern to all the member companies. The Rights Committee deals with questions concerning copyright, performing rights, and other legal matters. The Technical Committee deals with engineering and technical matters generally. The Training Committee examines any proposals for the training of various categories of staff. Independent Television News Ltd. and Alpha Television Services Ltd. (comprising A.B.C. Television and ATV interests in the Midlands) are represented as observers on these last two committees.

The Labour Relations Committee of the programme companies, although not officially a committee of ITCA, is serviced secretarially by the Association. It negotiates with trade unions and deals with general labour relations matters. Agreements have been concluded between the companies and the various trade unions representing practically all categories of staff.

THE " MAÎTRISE " OF THE RADIODIFFUSION-TÉLÉVISION FRANÇAISE

by ROGER PRADALIÉ

Administrator at the Radiodiffusion-Télévision Française

Created out of the need for a children's choir within the RTF that would be capable of competing with the finest professional groups, the MAÎTRISE (or choir school), after twelve years of existence, has so admirably and so completely achieved, not to say surpassed, this intention that its success in the artistic and scholastic fields and the interest shown in it by competent authorities both in France and abroad (directors of conservatories, singing inspectors, composers, directors of radio programmes, broadcasters, etc.) continue to grow and arouse in each visitor to the school in the Rue Robert-Estienne the desire for something of the kind in his own country.

Success in the artistic and scholastic field ? Why this combination ? For no other reason than that it affirms the twofold purpose of a school placed under the patronage of two bodies :

(a) the Seine Education Department (Ministry of National Education) which is responsible for providing an academic course of study and supplying the class rooms;

(b) the Radiodiffusion-Télévision Française (Ministry of Information) which is responsible for musical instruction and supplies the artistic and technical equipment (scores, studios, etc.).

The MAÎTRISE, therefore, serves a double purpose through its teaching, but essentially its objects are manifold, for it is at one and the same time a professional music and singing institute, an artistic body of international standing, a source of new material for the RTF choirs, and last but not least, a particularly productive educational observation centre.

Thus, two organisations and two authorities share equally the business of teaching : on the one hand, the Radiodiffusion-Télévision Française with six music and singing experts, on the other, the Seine Education Department which delegates the teachers required to take charge of academic studies.

These two authorities are also responsible for the enrolment of the children.

Enrolment

Enrolling takes place at the beginning of each school year when 20 to 25 children of from 10 to 13 years of age are selected on the basis of a test designed to enable the jury to discover from among all the candidates drawn as a rule from the primary schools of the City of Paris those who, in addition to being good at school work, have a decided bent for singing and a real artistic vocation.

The standard of selection is of course dependent on the number of candidates, which in turn depends on the openings the MAÎTRISE can offer its pupils at the end of their studies.

Although not a professional school automatically offering employment to all who have completed their studies there, the MAÎTRISE has so far had the good fortune to be able to offer very comfortable, not to say enviable, positions to all who have left its precincts.

The choice of possible openings will become more apparent after a study of the curriculum offered to approximately 120 pupils of from 10 to 19 years of age, spread over six classes of academic studies and four of musical instruction.

Curriculum

It should be mentioned at the start that schooling is free and each pupil receives a monthly allowance which is entered in a savings account for him while he is in the MAÎTRISE D'ENFANTS (children's choir) and is later paid outright when the amount increases in the *Maîtrise de Jeunes Filles* (girls' choir).

It should also be pointed out that the present system is the result of efforts over the last ten years and more to reconcile the exigencies of a comprehensive education sanctioned by the usual official certificates with the requirements of a radio undertaking whose intention is to use to the full the body created and maintained by broadcasting.

To achieve this twofold purpose, the teachers of general subjects on the one hand and teachers of music on the other had to abandon their original pretentions and seek a *modus vivendi* resulting from mutual concessions. Thus a systematic division of the time available had to be agreed upon, and the mornings were devoted to ordinary school subjects and the afternoons to music.

When one realises how overburdened the official French curricula are, one cannot be surprised at the difficulties encountered by teachers of general subjects to educate children, no more intelligent than the rest, up to the standard required in half the time. These difficulties have a far-reaching effect on the expansion of the MAÎTRISE as an artistic group because in order not to interrupt

studies too often, those in charge have had to resign themselves (as opposed to a similar well-known organisation of confessional inspiration) to cutting down on their tours, especially to other countries.

In spite of these difficulties, those at the head of the MAÎTRISE can claim as much success there as anywhere in the examinations for the junior certificate (*certificat d'études*) and the lower leaving certificate (*brevet*). Of the six classes indicated above, four are the successive stages of a normal secondary course (1st, 2nd, 3rd and 4th years) leading to the lower certificate, and two are special courses open to girls of over 16 (boys whose voices have changed have already left the MAÎTRISE at this age). The first of the two special courses fits these girls for a shorthand-typist's career by providing them with a commercial-cum-artistic training, and the second offers the possibility of studies directed towards the *baccalauréat*, the singing teacher's diploma, or the music technician's certificate opening up the way to new careers connected with the record industry, music publishing, radio, recording, etc.

After enumerating all the precautions taken to ensure that the pupils of the MAÎTRISE are brought up to the same standard of education as other girls of their age, it should be pointed out that the essential purpose of the school would not be achieved if pupils were not given an artistic training capable of preparing them for the singing career as choristers or soloists which as a general rule they are intended for, unless they deviate from this intention or there is a lack of openings during or at the end of their training.

The teaching of music is divided into three broad sections : preparatory classes *(Maîtrises Préparatoires)*, the children's choir (*Maîtrise d'Enfants*), and the girls' choir (*Maîtrise de Jeunes Filles*).

The table at the end of this article shows how these classes fit in with the general subjects taught.

There are two preparatory classes (both of which may be repeated) and it is the maturity of the candidate selected at the entrance examination that decides his admission into one or other of the two—1st year (M.P. 1) or 2nd year (M.P. 2). Here the children first learn the elementary theory and technique of tonic sol-fa and receive an introduction to *a cappella* polyphony. This is not done incidentally from choral works but by means of exercises prepared specially for them and intended to introduce them to all the intricacies of this difficult art and teach them how to solve these difficulties progressively.

Then in the second year they are taught the fundamentals of individual vocal technique, judiciously adapted to the potentialities of their age : exercises in vocalisation, placing the voice, breath control, interpretation of songs to piano accompaniment.

When the child leaves the preparatory classes, he already has a good knowledge of sol-fa and vocal technique, and his auditory and vocal reflexes are conditioned to the art of choral singing. It is only now

(Photo RTF)

THE "MAÎTRISE" OF THE R.T.F.

that he is admitted to the *Maîtrise d'Enfants* where he will put all these principles into practice.

At this stage, which is the goal towards which the children have been striving, they are no longer merely pupils but performers as well. On the one hand, they keep up their studies in sol-fa and vocal technique every day and these remain the basic principles of their training. On the other hand, they prepare, record, sing at the microphone and in public all the works in the repertoire of the *Maîtrise d'Enfants* figuring in a programme that is expanding every year.

At the age of 16, the girls are grouped in another ensemble known as the *Maîtrise de Jeunes Filles*. There they continue their study of sol-fa, which becomes intensive with the addition of courses on harmony and the history of music.

With the maturing of the voice it is possible to give more time to vocal technique which is now studied more thoroughly. As regards the courses on polyphony, they are still devoted to the study of works in the repertoire, selected from among the most difficult—modern works and first performances, in the rapid preparation of which the pupils are called upon to use all their store of knowledge and all their reflexes : in other words, the " tricks of the trade " they have learned in the *Maîtrise d'Enfants*.

Throughout his studies, each pupil's progress is checked every term by tests given by a jury composed of teachers of the MAÎTRISE and teachers from the City delegated by the Chief Inspector of Singing in Schools. This jury makes a selection based on standards which are constantly growing stricter.

Post-School Period

Pupils of the MAÎTRISE are required to leave when the development of their voices no longer justifies their belonging to a children's or girls' choir, i.e. when the voice changes in the case of the boys, at 14 or 15 according to the circumstances, and at the age of 19 to 20 in the case of the girls, when the voice begins to acquire the fullness and the timbre of an adult voice and no longer corresponds to the essentially juvenile tone of the MAÎTRISE.

Boys, whose voices are changing, must of necessity stop singing for a number of years. They may continue their school studies in the morning, however, in order to obtain their lower certificate or to sit the examinations at the end of the two final classes of the general school course, or again they may choose immediately to take up new studies in a technical school or a centre for apprentices. Those who wish to continue their musical studies (sol-fa and instrumental) will go on to the *Conservatoire* and if they have a good voice on reaching adult status they will be able to develop it at evening classes organised for them three times a week at the MAÎTRISE.

In the case of the *girls*, the problem is whether they intend definitely to take up a singing career, either as choristers or soloists, or whether they mean to choose another career which may, or may not, be connected with their music studies, such as secretary in the artistic field, singing teacher, music technician, etc.

In order not to discourage those pupils of the MAÎTRISE who are most gifted musically, the RTF offers them, after a searching test, the chance to remain for three years in a choral group where as professional choristers they may continue to learn their trade and perfect their voices.

This limited period allows them to wait until the start of the competitions for which they intend to present themselves as candidates, but it offers them no additional guarantee. However, the girls in this group called the *Ensemble Vocal de la Radio*, may, if chosen, join a variety ensemble known as *Les Baladins des Champs Elysées*.

Thanks to this solid structure which makes possible an intensive preparation, the MAÎTRISE can tackle any of the *genres* with equanimity. Its repertoire both for the *Maîtrise d'Enfants* and the *Maîtrise de Jeunes Filles* is very vast and ranges from the songs of Francis Lemarque or Charles Trenet, for example, to the Mass of Fauré, including all the contrapuntists of the Renaissance and all the composers of the best folk music.

Its success both in France and abroad (England, Holland, Belgium, Germany, Switzerland, Israel, etc.), through its weekly broadcasts on the French radio as well as its public concerts, its ephemeral recordings and its phonographic records, is outstanding and continues to grow, as can be seen from all its press notices.

It would appear then that the results obtained by the MAÎTRISE have come up to the expectations of those at its head. They have tried to remain true to the old French tradition of children's choir schools with such names as *Maîtrise*, *Manécanterie*, *Psallette* or *Schola*, the last of these being the only term that is authentically liturgical.

Spread over the whole of French territory and kept up by ecclesiastical foundations or the generosity of congregations, the *maîtrises* played a very important part until the French Revolution, not only in the religious field but also in the field of secular music. Most of the musicians from the XVth to the XVIIIth century came from the *maîtrises*, for the solid grounding in artistic subjects given to pupils there enabled them to tackle with success all the musical careers except those open to instrumentalists.

The ambition of the MAÎTRISE is to give its pupils the sort of training on the basis of which they can branch out, after leaving school, in whatever direction they choose.

If in addition their studies are crowned with success in the artistic field comparable to that of certain of their famous seniors such as the Vienna Boys' Choir, and if these studies help the children to develop in an at-

mosphere of happiness and confidence where individual improvement is placed (and this may perhaps be one of the best definitions of music) at the service of the community, then those at the head of the school in the Rue Robert-Estienne in Paris will feel more than gratified.

THE " MAÎTRISE " OF THE RTF

	Music (afternoon)	General Subjects (morning)
PRIOR TO THE " BREVET ELÉMENTAIRE "		
Up to 12 years	*Maîtrises Préparatoires*	1st and 2nd years : preparation for the *Certificat d'Etudes Primaires*
Up to 16 years	*Maîtrise d'Enfants*	3rd and 4th years : preparation for the *Brevet Elémentaire*
AFTER THE " BREVET ELÉMENTAIRE "		
Up to 19 years	*Maîtrise de Jeunes Filles*	Preparation for the *Brevet Commercial* Preparation for the singing teacher's or music technician's examinations
After 19 years and for 3 years only	*Ensemble Vocal de la Radio* or *Baladins des Champs-Elysées*	
OPENINGS		
	Music *Conservatoire* Radio Choirs Operatic Chorus Soloist, etc.	Secretary (artistic professions) Record seller Employee in specialised departments of record firms or radio

CONGRATULATIONS

Mr. Einar SUNDSTRÖM, Director General of Oy. Yleisradio Ab. and Vice-President of the EBU, celebrates his 60th birthday on 14th April 1959. We are happy to congratulate Mr. Sundström on this occasion.

We also have pleasure in congratulating :

Dr. Hanns HARTMANN, Intendant of the Westdeutscher Rundfunk, and

Dr. Walter HILPERT, Intendant of the Norddeutscher Rundfunk, who have been awarded the *Grosses Verdienstkreuz* by the President of the German Federal Republic; and

Mr. Georges LAFORGUE, chief telecommunications engineer at the RTF, who has been appointed Chevalier of the Legion of Honour.

LISTENER AND VIEWER STATISTICS
EUROPEAN AREA

Country or territory	Total licences current on 31st December 1958	Including			Variation during 1958		Licences per 100 inhabitants
		Free Licences	Wired Services	Television	Figures	Per cent.	
Andorra (1)	1,800						30.00
Austria	1,923,068	22,677	13,842	49,138	+ 84,213	4.38	27.48
Belgium	2,632,777	34,732	134,750	216,736	+ 325,593	12.36	29.16
Bulgaria (1)	901,542		405,822				12.75
Cyprus	83,172	3,009		163	+ 5,112	6.15	15.31
Czechoslovakia (1)	3,323,208						
Denmark	1,688,705	156,188		213,987	+ 137,844	8.16	37.36
Egypt (1)	850,000						3.70
Finland	1,157,402	9,570		7,757	+ 35,909	3.10	26.33
France (including Algeria)	12,098,381	654,727		999,876	+ 810,375	6.70	22.40
Germany (FR)	15,008,663	547,174	127,364	2,125,130(2)	+ 608,419	4.05	28.01
Germany (DR) (1)	5,670,164	1,400,000		302,164	+ 273,317	4.82	32.22
Gibraltar	4,620	46			+ 37	0.82	17.65
Greece (1)	545,366						6.81
Hungary (1)	1,236,000						12.75
Iceland (1)	44,500						27.40
Ireland	485,080	2,189			+ 7,951	1.63	16.76
Israel	365,051	5,657			+ 10,562	2.89	17.96
Italy	7,218,627	83,293		1,096,185	+ 459,803	6.36	14.46
Jordan	46,575				— 12,528	26.94	2.89
Libya (1)	17,498						3.84
Liechtenstein	3,570	6	351	344	+ 395	11.30	23.34
Luxembourg	95,396	4,310		4,000	+ 6,503	6.83	30.01
Malta	18,446	33		1,979			5.76
Morocco (1)	431,350						4.93
Netherlands	3,388,899	144,898	487,905	391,036	+ 261,262	7.70	30.13
Norway	997,302	12,768		534	+ 12,589	1.26	28.94
Poland	4,549,976	11,514	1,433,640	84,812	+ 522,473	11.48	15.94
Portugal	660,420	2,729		12,825	+ 64,899	9.82	7.46
San Marino	1,478			198	— 432	30.86	10.00
Spain (1)	2,104,827						7.14
Sweden	2,895,560	1,499		244,479	+ 200,531	6.92	39.16
Switzerland	1,405,290	5,481	332,890	50,304(2)	+ 60,458	4.30	26.97
Tunisia	100,935	400			— 6,771	6.71	2.66
Turkey	1,167,052				+ 84,368	7.22	4.84
United Kingdom	14,752,616	66,291	1,048,434	8,899,067(2)	+ 98,839	0.67	29.28
USSR (1) (Europe + Asia)	31,000,000						
Yugoslavia	1,087,733	76,141		7,000	+ 200,565	18.43	5.89

(1) Last available figure or estimate failing more recent information.

(2) Combined radio and television licences.

NEWS AND INFORMATION

INTERNATIONAL

THE ASIAN BROADCASTERS' CONFERENCE

by HARRY ZINDER

Director, Israel Broadcasting Service
Chairman, Programme Committee of the Asian Broadcasters' Conference

The initiative for the first meeting of the Asian Broadcasters' Conference came from the President and Directors of Nippon Hoso Kyokai, the Japan Broadcasting Corporation. In the original letter inviting Asian broadcasting services to participate in the meeting in Tokyo in 1957, Mr. Seiki Sakiyama, then Director of the International Division of NHK, wrote :

" We broadcasters in Asia seem to have not a few questions of common interest—the exchange of information, exchange of radio and television programmes, as well as of technical knowledge, and also the interchange of talents and personnel. It has been our long-cherished desire to have a chance of discussing these matters and thereby to strengthen our friendly ties and tighten our cultural bonds... ".

These then were the principles which motivated us when first we gathered in Tokyo in May 1957. It was a most welcome initiative and one that had been long overdue. It is also indicative of the position of Asian broadcasting services that it seemed logical and right to all of us that Japan should be the country to seize such an initiative and act splendidly on it.

Our first meeting was a little hesitant, a little more formal than was necessary, but by the end of the first two or three days of discussions all of us there had warmed up to the problems facing us and to each other, and the discussions in meetings and outside of the hall were almost as animated and on as personal a basis as those that took place in the coffee room of the Maximilianeum in Munich in November.

At our first meeting in 1957, there were representatives from sixteen Asian countries although not all broadcasting services sent representatives from their countries. Some of them were represented by members of their Missions in Japan. NHK had invited 22 countries to participate and their first turn-out went well beyond the original anticipation. Countries represented were : China, Egypt, Indonesia, Iran, Israel, Japan, Laos, Philippines, Thailand, Turkey, Vietnam, Afghanistan, Burma, Ceylon, India and Pakistan. Mr. Gohl Obhrai, Chief of the Radio Services of the United Nations, attended as an observer.

The conference was divided into three Committees—a Programme Committee, a Technical Committee and a General Committee. There were two major plenary sessions, and the two Committees sat for two days, bringing their draft resolutions first to the General Committee and, finally, to the Plenary Session.

The discussions ranged over a very wide agenda in both the Programme and Technical Committees, though in the end specific resolutions were offered by each Committee and adopted by the plenary. The Conference provided both the time and opportunity for personal meetings among directors as well as exchange of information that was both enlightening and productive.

And thus in our first meeting we laid the foundation for an organisation of Asian broadcasting services that would take its place alongside the EBU and the OIR. We had cleared away the underbrush, had established basic principles, and were ready at our second meeting to go further afield, looking towards a formal organisation. Resolutions in our first meeting called for strengthening of ties among us, exchange of programmes, technical information, and personnel, and furthering of mutual projects such as the Asian Folk Dance and Music Festival. This festival will be held in Japan in September 1959 under the sponsorship of NHK and with the support of the Asian Broadcasters' Conference.

Our second meeting was held once again in Tokyo, this time in May 1958, and while the framework of the conference was the same the discussions went much deeper and much further, involving a number of both programme and technical subjects we were unable to touch upon in our first meeting. At this conference there were fourteen services represented (Burma, Ceylon, China, India, Indonesia, Israel, Japan, Laos, Malaya, Pakistan, Turkey and Vietnam) with observers from the United Nations (Mr. Peter Aylen), UNESCO (Mr. Walter Steigner) and from Hong-Kong. Most of the services on this occasion were represented by their own people, in most cases by the Directors of the Services.

As we moved through our three days of conferences we became aware that the need for a formal organisation was outstanding. Also we became aware that contact and relations must be established with EBU. It was also apparent that there was a need for clarifying criteria between Asian and European services to enable

Opening Ceremony of the Asian Broadcasters' Conference on 19th May 1958 at Sankei International Hall

a smoother flow of programmes between the two groups. We agreed on a number of far-reaching resolutions, and cleared the ground for the discussion on the question of a formal organisation at our third meeting.

Among the resolutions adopted at our second meeting, in addition to affirming and strengthening those passed in the first conference, were one calling for a study of ionospheric sovereignty and technical aspects of draft high frequency broadcasting plans prepared by IFRB, another asking for a study of the question of shortage of spectrum space for broadcasting, a third encouraging exchange of technical personnel for training and interchange of broadcasting engineers — those in the technical field. In the programme field, the resolutions called for the establishment of a liaison unit and temporary secretariat, that a study be made of the possibility of establishing a central monitoring system with daily and weekly reports, that information on material extending over programmes and technical management be exchanged, and that the conference accept in principle the proposal of NHK to hold an Asian Folk Dance and Music Festival in 1959, as a joint project.

It might be pointed out that the presence at our second meeting of Mr. Steigner of Unesco stimulated the thought of using Unesco's major project on the exchange of cultural values between East and West as a vehicle for bringing about closer ties between Asia and Europe, between Orient and Occident, in the field of radio and television. This brought in its wake the Unesco conference in Paris in December 1958 and the recommendation that an East-West radio and television conference be held somewhere in Asia in 1960, to be coordinated with the fourth meeting of the Asian Broadcasters' Conference.

Though it was generally felt that the conference should move each year to another country, the decision on the third conference in 1959 was to hold it in Tokyo. The Directors of NHK are moving forward with ambitious plans for the third meeting. It should be said here that NHK's arrangements for the conferences and the hospitality offered the delegates were well-nigh perfect. We are indeed grateful to the Directors of NHK for their magnificent hospitality.

Before us in the third conference are many problems of major significance that beset all young organisations setting out in the world :

1. A formal organisation
2. Relations with similar organisations in other parts of the world
3. Maintaining professional, technical, legal and ethical standards on a proper level in all Asian services
4. Smooth flow of exchanges in all fields among member countries and with other organisations
5. Cooperation with international cultural and educational groups such as Unesco

6. Exchange of information on technical problems — reception, monitoring, transmitters, equipment, and other problems.

The organisation has made a good start and though the six points enumerated above do not represent all the problems, there is little doubt that all the outstanding questions among us are vivid proof of the need for encouraging such an organisation and for all of us to aid in its further progress.

WORLD CHILDREN'S DAY

by D.Q.R. MULOCK HOUWER
Secretary-General of the International Union for Child Welfare

In 1952 the International Union for Child Welfare (IUCW) first launched the idea of a World Children's Day to be celebrated simultaneously by the various countries for the purposes of strengthening international cooperation on behalf of children, drawing attention to the efforts being made to promote this idea and emphasising the need for still greater effort.

Children's Day was first celebrated in 1953 in some 40 countries and its success was largely due to the enthusiastic support of the European Broadcasting Union.

Its tremendous popularity encouraged the United Nations Assembly to pass a resolution in December 1954 inviting Governments to institute a World Children's Day as from 1956. This recommendation — in principle, an excellent one—created some confusion in certain countries however, as it was addressed to Governments—whereas the IUCW had worked primarily in cooperation with the private societies and national transmitters—and it instructed Unesco and the United Nations International Children's Emergency Fund (UNICEF) to make the necessary arrangements.

Fortunately, the IUCW and the executive board of UNICEF came to an agreement in 1957 and it was decided that World Children's Day would in future be celebrated under their joint auspices, the IUCW being in charge more particularly of the organisational aspects.

This agreement was not announced until rather late on in 1957 and its results were first observed in 1958. Coordination between the member organisations of the Union and the national committees of UNICEF was vastly improved; the regional representatives of UNICEF who had already worked together in previous years showed more enthusiasm than before, with the result that two countries at least which had been rather unwilling to associate themselves with the idea of a World Children's Day came forward to swell the ranks of its supporters.

In 1958, as in former years, the assistance of the European Broadcasting Union in notifying in advance not only its members in Europe but all its associate members throughout the rest of the world was greatly appreciated. Reports of radio and television programmes in all the countries with which we have been in touch show the results to have been excellent. These broadcasts took various forms and included songs for the occasion, messages, interviews and talks on the theme of the Day. In this connection, we might mention Radio-Genève's interesting interview of Professor Repond on the needs of handicapped children in Switzerland.

It would be wrong to suppose, however, that World Children's Day celebrations are confined to broadcast programmes. Indeed, the variety is amazing.

In some countries gravity is the keynote : solemn meetings, conferences, exhibitions, and the like. In others, however, and especially in the countries of Asia, all sorts of festivities are arranged for the children— open-air parties, processions, film shows, distribution of toys and sweets. In others again, there is a mixture of both types.

From among the countries which have sent us detailed reports about the form their celebrations took in 1958, Germany and Pakistan may be quoted as examples.

In Germany, the member organisation of the IUCW contacted the Ministry of Ecclesiastical Matters (Education), the Department of the Interior and the Ministry for Social Welfare in the different *Länder*, the national UNICEF Committee, the larger welfare societies—in particular those concerned with disabled persons—the editorial offices of the press agencies and newspapers, the radio stations, etc., and asked them to draw attention to the importance of World Children's Day and organise celebrations of their own. All the transmitting stations broadcast special programmes in the form of talks or reportages. Rias (Berlin) devoted its programme to an exhibition organised by the Bureau of Youth and Sports in that city. The press also reacted well, and there were public displays in Ulm, Bremen and Oldenburg organised by the schools and youth movements, which met with considerable success.

In Pakistan too, there were celebrations throughout the whole country organised by the Council for the Promotion of Child Welfare in collaboration with other organisations. In Eastern Pakistan there were children's rallies, including gymnastics displays and the distribution of sweets, sporting events, baby shows, and gifts of toys to sick and crippled children. In Western Pakistan the programme was along the same lines, with the addition of demonstrations by the police force on the prevention of accidents to children.

A large number of countries—25 at least— celebrate World Children's Day on the first Monday in October, the date proposed by the IUCW, but for a variety of reasons some have chosen other dates. For example, France has chosen a Sunday at the end of May or be-

ginning of June, the United Kingdom the second Wednesday in June, Israel the beginning of December (Feast of Lights), Japan the 5th of May, India the 14th of November (birthday of Mr. Nehru), and Italy the second Monday in November.

This lack of unanimity is regrettable and rather weakens the universal concept of a World Children's Day, but the various countries generally have excellent reasons for preferring a date which is sure to increase the chances of success.

Each year, the IUCW proposes a central theme which is as a rule adopted by the majority of the countries. In 1958 it consisted of Article IV of the Declaration of the Rights of the Child : " The child that is sick must be nursed; the child that is physically or mentally handicapped must be helped." In the illustrated folder published on this occasion by the IUCW in four languages (French, German, English, Spanish), much emphasis was laid on the prevention of disease and accidents, and the psychological and pedagogical aspects of the care of sick and crippled children. The IUCW also placed certain documentation at the disposal of its member organisations and any others wishing to have it. This took the form of a bibliography, original or translated articles on various aspects of the question, and brochures and folders made available by other organisations.

Appended to this documentation were special messages from the Director of UNICEF, Mr. Maurice Pate, the Director-General of the World Health Organisation, Dr. M. G. Candau, and the Director of the International Labour Office, Mr. David Morse.

The theme chosen for 1958 answered a need felt by many countries and thus made possible, as we had hoped, a vigorous propaganda campaign with the support of specialised bodies. Bolivia and Greece printed and distributed their own folders and posters.

Sometimes these occasions give rise to more concrete achievements, such as the laying of the foundation stone of two Homes in the village of Caritas de St. Isidore in Upper Austria to be ready in 1959 for the treatment and education of 48 crippled children, and a conference in Lower Austria of pediatrists, school doctors, infant specialists, child psychologists and teachers of handicapped children.

Conclusion and plans for 1959

In some countries the organisers themselves are astonished at the success World Children's Day has met with among the population at large and they have told us, or written to tell us, how much this was doing to stress the universal nature of child welfare and the importance of surrounding the child with every good care and providing him with a sound education.

The theme suggested for 1959 should also arouse general sympathy : it is the care of the difficult child and the child who has been deprived of a normal home.

This means, first, the orphan, the illegitimate child or the child who has been abandoned—children who in most cases are sheltered and succoured, but often in conditions which provide the essential physical requirements and the necessary education without the affection these children also need. There are parts of the world where even the elementary necessities, such as food, clothing and shelter, are not provided. One has only to think of the thousands of little vagrants, beggars and shoeblacks in the countries of the East.

(Reproduction authorised by the IUCW)

At the other end of the social scale, there are, too, the children whose homes have been broken up by the divorce or incompatibility of their parents. And finally, in this the World Refugee Year, let us not forget all the little mites still languishing in makeshift camps and shelters, with no hope for the future.

COMMUNITY OF FRENCH-LANGUAGE RADIO PROGRAMMES

1958 Exchanges and Plans for 1959-60. — Last January the Committee of the Community of French-Language Radio Programmes, comprising delegates from the RTF, the SSR (French-speaking Switzerland), Canada and the INR (French Section), met in Paris. Under the chairmanship of Mr. Gaston Brenta, director of INR musical broadcasts, and later of Mr. Paul Gilson, director of RTF artistic services, who was appointed chairman for 1959, the Committee reviewed the Community's achievements in 1958. It noted with satisfaction the increase in exchanges between the four members, reaching a total of 2534 for the year, an impressive figure due in a large measure to the broadcasts from the Brussels Exhibition.

The Committee's plans for 1959-60 include :

News — an increase in exchanges and the institution of regular enquiries on topical matters.

Literature and drama — broadcasts devoted to Maeterlinck in celebration of the 10th anniversary of his death, public poetry-reading séances, a historical competition, and broadcasts of drama performances by the *Comédie Française* and other groups.

Music — concerts with the participation of orchestras and soloists of the highest standard, commissioning of new operatic works specially intended for radio, an international ballet music contest.

Variety — an original joint programme.

School broadcasts — exchange of special programmes and the organisation of a competition.

The Community also has plans for : the continuation of the sociological enquiry into radio and leisure pursuits, experimental productions, staff exchanges, the use of the transatlantic cable to facilitate the exchange of news with the CBC, and the study of various questions including stereophonic transmissions and the changes to be made to sound programmes in the light of the development of television.

The next meeting of the Committee will be held in Lausanne from 25th to 27th May.

PRIX ITALIA

Greek Broadcasting Joins the " Prix Italia ". — At the beginning of February the Hellenic National Broadcasting Institute notified the Secretariat of the Prix Italia at the Radiotelivisione Italiana of its adherence to the Prix Italia.

With the addition of the Greek broadcasting service, the number of member organisations of the Prix Italia has risen to 22.

This year's competition will be the eleventh. The juries and the General Assembly will meet in Sorrento from 1st-16th September to award and distribute the prizes. As in the past, there will be two *Prix Italia*, one for musical works and one for dramatic or literary works for sound broadcasting; two *Radiotelevisione Italiana* prizes for the same two categories of works; one *Italian Press Association prize* for the best sound documentary; and a *Prix Italia Television* for the best television documentary.

INTERNATIONAL CONFERENCES CONCERNED WITH BROADCASTING

13-18 April	URI [1]	General Assembly and 10th Anniversary	Paris
23-24 April	EBU	Working Party GTV/2	Stockholm
25-27 April		Working Party GTV/1	
29-30 April		Bureau of the Programme Committee, 13th Meeting	
27-30 April		Bureau of the Legal Committee, 22nd Meeting	Bled
8-12 May		1959 Eurovision Grand Prix of Television Films	Cannes
21-23 May		Conference on Television Advertising	London
27-28 May		Conference on the Development of Sound Broadcasting	Rome
29 May-1 June		Administrative Council, 20th Meeting	
29 June-4 July	AIBM [2]	3rd General Assembly	Cambridge
12-22 August	IFMC [3]	Twelfth Annual Conference	Sinaia (Rumania)
19-24 August	EBU	Salzburg Prix	Salzburg
1-16 September	Prix Italia	Assembly and Meeting of the Juries	Sorrento
21-23 September	EBU	Working Party GTV/2	London
24-25 September		Working Party GTV/1	
23 September (morning)		Bureau of the Legal Committee, 23rd Meeting	London
23 September (afternoon) -26 September		Legal Committee, 10th Plenary Session	
28-29 September		Bureau of the Programme Committee, 14th Meeting	London
30 September-1 October		Programme Committee, 7th Plenary Session	
End of October		Administrative Council, 21st Meeting	Geneva
Beginning of December		General Assembly, 10th Ordinary Session	Morocco

[1] *Université Radiophonique Internationale.* [2] International Association of Music Libraries. [3] International Folk Music Council.

NATIONAL

CANADA

Successful Co-production of CBC International Service. — Practically every French-language area of the world cooperated in the 1958 international year-end co-production of the French Section of the CBC International Service, and listeners to French-language programmes nearly everywhere had a chance to hear the hour-long broadcast produced in Canada.

The latest production was the sixth in the series of annual year-end programmes produced by the French Section of the International Service. Months before the end of the year, a theme is chosen and French-language radio organisations on every continent are invited to record a portion of the projected one-hour programme and ship it to Montreal for inclusion in the show. At the same time, the full hour programme is offered on tape to participating organisations and others, who are invited to include it in their programme schedule at the end of the old year or the beginning of the new one.

The theme on this occasion was *Si Tous les Enfants du Monde... (If All the Children of the World, on this Day, had a single Wish)*. Thirteen radio organisations, including the French Section of the International Service, made a contribution to the broadcast. Altogether, seventeen radio organisations broadcast the programme over their own facilities. In France and in Belgium, it was broadcast not only by the home service but also by the shortwave services. Listeners in Africa were particularly well served as they were able to hear the programme over their own local radio facilities as well as the many facilities of the *Société de Radiodiffusion de la France d'Outre Mer* (SORAFOM) which distributed the production to all its 13 outlets in Africa and Madagascar. The broadcast was also made available to Unesco and the Canadian Army Europe Station in Germany.

The choice of theme was a happy one and undoubtedly had much to do with the success of the programme. The children of these many lands, bound together by their common language and their characteristic ingenuousness and imagination, spoke of their hopes and wishes to children all over the world. Interest for the listeners was heightened by the variety of accents and the local preoccupations of children spread out over a great part of the globe.

CYPRUS

New Commercial Radio Service. — The Cyprus Broadcasting Corporation started commercial broadcasting in April 1959.

The Corporation gives complete coverage of Cyprus with its population of 548,000 and some 110,000 sets in use. Of these sets, 79% are owned by the Greek-speaking community, 17.5% by the Turkish-speaking community and 1.5% by the English-speaking community. There is also a substantial audience for the Corporation's broadcasts of more than 10 million Greek-, Turkish-, and English-speaking people throughout Greece, Turkey and the Middle East. Hours of transmission are as follows : Greek and English Service—06.00 h. to midnight; Turkish Service—06.00 to 08.30 h., 12.30 to 15.00 h., and 17.00 h. to midnight.

The new commercial service broadcasts both spot announcements and sponsored programmes. The Corporation has available for sponsorship a wide range of musical, dramatic and other types of transcribed programmes in Greek, Turkish and English designed to appeal to audiences in Cyprus and the surrounding territories. Exclusive musical programmes are arranged from the resources of the International Library Service and other music libraries. Live productions, including audience participation, quiz, dance band, variety and other shows are also available for sponsorship.

Combined rates are offered for air time covering all three languages and cheaper rates are also available for commercial broadcasts in individual languages and language groupings. Newscasts are not sponsorable but news spot adjacencies are available at normal rates plus 25%.

The amount of time allowed for advertising during a one-hour programme is restricted to 6 minutes and the number of announcements to 5. A 5-minute programme is limited to 2 announcements which must not exceed 1¼ minutes in all.

DENMARK

The Chairman of the Radio Council Discusses Advertising on Television [1]. — Mr. Peder Nørgaard, chairman of the Danish Radio Council, expresses the following personal opinions on the question of television advertising. " In Denmark ", he writes, " no one has ever thought it strange that the radio should hold itself aloof from commercial advertising. From the inception of the radio and for more than 30 years the Danish Parliament has agreed that broadcasting revenue should come from the radio licence fee imposed on all set owners, which is to be set at an amount that will cover all the outgoings of the radio service. In the Ministerial Directives for the Radio Council it is expressly laid down that the programmes may not include advertising, though this does not apply to the Government's own announcements. During the many years since these provisions went into effect there has not really been any attempt in any quarter to have these regulations altered. The listeners regarded it as a perfectly natural

[1] The considerations of Mr. Nørgaard quoted here have been extracted from an article which he wrote at the request of the *Berlingske Tidende* and published by that paper on 1st December 1958.

thing that they should pay the cost of broadcasting via the licence fee, which has always been of a reasonable amount. No interest has been displayed by the advertisers—and not even by the advertising agencies—in getting advertisements pressed into the radio. Perhaps it has been thought a hopeless task to try to overthrow the prevailing principle, which was not only entrenched in Denmark but firmly established almost everywhere in Europe as well.

" Now, when television has gained a large and rapidly increasing audience, it is the advertising potentialities of this medium that are attracting interest in certain circles. In recent months proposals for television advertising have been put forward on various sides in Danish advertising circles, both of advertisers and advertising agencies. To date five different applications have been submitted, some to the Ministry of Education and some to the Radio Council direct, which now has the whole subject before it for closer study."

After describing the experience of the United States, the United Kingdom and the German Federal Republic in the field of commercial television, Mr. Nørgaard refers to the system prevailing in Finland [1] *where a private company has secured the right to give ten minutes' commercial broadcasting, partly before and partly immediately after the ordinary television programme. The contents of the advertisements are governed by principles laid down by the International Chamber of Commerce; political and religious commercials are banned, as well as those relating to alcoholic drinks.*

Mr. Nørgaard continues : " In the applications from the Danish advertising people now under consideration, it is rather the Finnish commercial television system that is held up as a model. The relatively short transmission time obtaining on Danish television at present makes it natural for the advertising people to cast their eyes on the time before and after the ordinary broadcasts. One proposal is merely that the identification caption shown at the beginning of the transmission and used by viewers to tune their sets should be replaced by advertising. It is also true of most of the proposals before us that they have tried, by showing deference for the Danish way of life and by proposing that the Danish State Radio should have control over the contents of the advertisements, to refute in advance as many as possible of the objections that it is realised that the proposal for commercial television will encounter.

" If the advertising people have brought the question to the fore at this time, the fact will not be entirely unconnected with the reports that an increase in the television licence fee can be expected next year. An increase of 20 kroner to 75 kroner a year has been mentioned. But even with the limited transmission time of 14-15 hours a week which is normal for the Danish television service, the programmes contain so much instructive, entertaining and informative matter that the great majority of people will consider the licence fee to be extremely reasonable. It is not a bad principle that one should pay out of one's own pocket for the services one receives. We are accustomed to paying the full price for theatre tickets and even for cinema tickets, for the modest amount of advertising that is tolerated in the cinemas is really without any influence on the price of the ticket.

Mr. Peder Nørgaard

" Yes, but if advertising is capable of producing a contribution of five, ten or even more millions of kroner, presumably it should be possible to extend the present transmission time ? The answer must be that it is unlikely. Before the television service has carried through the planned local expansions it will not be possible to undertake any appreciable increases in the service is on the air. Moreover, there are some who forget that when the management of the radio service undertook the installation of the television service, they received instructions to endeavour to arrange that its development should be smooth and harmonious. The people in charge of television have worked to fulfil those instructions, basing themselves on the motto of " quality before quantity ". This policy has borne fruit. The increase in the number of viewers has been greater and more rapid than was anticipated. In 1953 it was calculated that by the end of 1958 the number would be in the vicinity of 115,000; the actual figure at the time of writing (1st December 1958) now stands at rather more than 200,000. Up to now, therefore, the increase has been almost twice as fast as we dared to hope it would be on the basis of experience in other countries.

[1] For a detailed article on Finnish commercial television, see *EBU Bulletin*, No. 46, page 667.

" As advertisements make congenial reading matter in the newspapers, it is argued that they will also be looked on with favour by many viewers. This I would not venture to deny; yet I am certain that they will have an irritating effect on many more. You can skip the advertisements in the papers, if you choose, but television advertisements prove to be much more obtrusive. Instead of the advertisers' self-laudatory commercials, most people will undoubtedly prefer television to give independent and objective " consumer service " broadcasts of the kind so popular in Scandinavia.

" For the rest, it should be emphasised that television advertising, which at the best of times can never be an inexpensive form of publicity, will be employed first and foremost by the big firms with a nation-wide market. It is therefore easy to understand why Max Lindskov, the chairman of the Danish Confederation of Trade Associations, wishes to keep up the opposition to television advertising, since he fears that retail sales may develop along lines that would not be in the interests of the community as a whole.

" Not long ago a University president, Gustaf Bengtsson, emphasised that if some 10 to 12 million kroner or more a year were to be siphoned off into television advertising, an unprecedented number of newspapers would be driven into bankruptcy as a result. If this statement be true, the experiment of commercial television would never do for the Danish community. The Press in all its many forms throughout the country plays too importtant a role in public information and the formation of opinion for us to sell our birthright for a mess of pottage.

" In advertising circles, however, it has been argued of late that the experience of other countries tends to show that the advent of commercial television does not bring about a corresponding drop but on the contrary an increase in the volume of newspaper advertising. This contention merits careful investigation.

" Nevertheless, commercial television has gained ground in recent years and it is nearing our southern frontier. Until further notice long-distance transmissions are not a practical proposition; all the same, if a neighbouring country like Sweden were to make a start with television advertising, a large part of Zealand could be covered by it if Sweden expanded its network of transmitters sufficiently. If this happens the whole problem of advertising will become a matter of acute and topical interest. However, the Swedish Parliament has on many occasions (the last being in May 1957) declined to set foot on the path of commercial television.

" All things considered, I feel that we have reason to be grateful to those who make our laws for having established and upheld the principle of no advertising on radio or television. To my way of thinking it would be a mistake to change our policy. But all the facts need to be subjected to a thorough examination and we must keep a careful eye open for any new developments. Should changes occur, the matter will in due course be one for the Danish Parliament. However, since sound and television broadcasting waves are no respecters of frontiers, it might perhaps be worth while considering whether the Nordic Council should not take the matter up in order to try to ensure that there is a common Nordic approach to this problem."

Administrative Reorganisation. — The Danish Ministry of Education has adopted a proposal submitted by the Radio Council concerning a reorganisation, from 1st April 1959, of the administration of sound broadcasting and television.

Danish Television has so far been a special department of Statsradiofonien, but from 1st April television, especially as far as programmes are concerned, will come under the various sound broadcasting departments which will thus become responsible for the two activities.

Under the Director-General (Mr. F. E. Jensen) two programme directors will be appointed, one for sound broadcasting (Mr. Aksel Dahlerup, former head of the Outside Broadcasts Department) and the other for television (Mr. Jens Fr. Lawaetz, head of the Television Department).

Each programme director is in charge of the programme planning for his department. Special television services necessary for production (except those which come within the scope of the Technical Department), as well as films and cooperation with foreign television organisations, will be the responsibility of the television director.

FRANCE

The Organisation and Statute of the RTF. — The following decrees and ordinances have been promulgated concerning the organisation and statute of the RTF :

decree no. 58-1160 of 3rd December 1958 (*Journal Officiel*, 4.12.58);

ordinance no. 59-273 of 4th February 1959 [1] (*Journal Officiel*, 11.2.59);

ordinance no. 59-277 of 5th February 1959 (*Journal Officiel*, 12.2.59).

Report from the RTF Radio and Television Research Centre. — The following details have been extracted from the new programme of activities of the RTF Radio and Television Research Centre.

I. Special Lectures

Every year, the Centre invites distinguished figures to lecture on subjects of international significance. The themes chosen may be concerned with the cultural and scientific problems set by the development of radio and television. The most recent of these lectures was given by Mr. Paul F. Lazarsfeld, Professor at Columbia

[1] See also under Legal Section on page 42 below.

University, on *The present trend of the sociology of communications and the attitude of American radio and television audiences.*

II. Advanced Study Course

This series of talks is designed to explain the fundamentals of various scientific subjects and discuss ways of contributing to a better use and understanding of radio and television. It provides an opportunity for research workers to make known their findings and is addressed to regular students at the Centre and to RTF staff.

Studies are divided into six categories : *Comparative Aesthetics*, by Etienne Fuzelier, University *agrégé; Psycho-sociology of the Message*, by Guy Durandin, University *agrégé; History of the Techniques of Broadcasting*, by J. J. Matras, chief engineer of the RTF; *Physics of the Message*, by André A. Moles, doctor of science; *Education and Culture*, by Yves Brunsvick, secretary-general of the French National Commission for Unesco; *Applied Psychology*—the first results obtained by research students of the Centre (relationship between music and pictures, retention of the radio message, influence of the repute of the transmitter on public attention).

III. Lectures on Specialised Subjects

This series is given by radio and television specialists who are thus enabled to impart the experience they have gained from their professional activities and make public the deductions they have been led to make. The subjects coming under this heading include : the conception and organisation of television programmes, the progress of the news item to the receiver, study tour of American television, television and foreign affairs, the television documentary, television and Eurovision.

IV. Audio-Visual Shows

The Centre organises shows of the films and telerecordings of the French television service and those of other countries. These are chosen because of their originality or because of the effect they are known to have had on the public.

V. Training Courses

A. *Television Seminary.* Directed by Mr. André Vigneau, this course offers systematic instruction on the creative professions associated with television, accompanied by practical demonstrations and exercises. The course is open to RTF staff, students of the Centre and students from other countries, but it does not lead automatically to any given post within the RTF. The training undergone here must be confirmed by the standard of performance at the various examinations held by the latter. Studies during the first year deal with the fundamentals of television, and become more specialised in the second year, touching on such subjects as the comparative study of scenarios, aesthetics, montage, word and picture association, and the contribution of the cinema to television.

B. *Petit Conservatoire de la Chanson.* The purpose of this singing school, directed by M^me^ Mireille, is to seek out, train and promote young talent. It is a meeting ground for authors, artists and composers, and provides training specially adapted for the microphone and the camera. Lessons are held every week and systematically recorded, thus enabling students to follow the progress that has been made. During the 1957-58 season, the *Petit Conservatoire de la Chanson* was attended by 22 composers and song writers, and 31 artists. The standard of selection of the candidates for the course is very high.

VI. Intensive Training Courses for Foreign Bursars

A special session has been instituted which aims at the rapid training of four foreign students, three of whom are holders of bursaries from their own Government and one from the French Government.

JAPAN

Educational Television Service. — Nippon Hoso Kyokai's educational television service was inaugurated on January 10th this year, with output powers of 10 kW for video and 5 kW for sound.[1] This new service operates in collaboration with the existing two radio network programmes and first television service. In programming, stress is laid on educational, cultural and information programmes which will display the functions of television to the full. To be more accurate, daytime programmes mainly consist of school broadcasts, whereas night-time programmes comprise educational items intended for youth and adults. Currently, the average daily programme output is about 4 hours and a half, i.e. one hour (11.00-12.00) in the morning, 20 minutes (13.00-13.20) in the afternoon, and three hours (19.00-22.00) in the evening. This schedule is being expanded as from April 10th this year. The following are the contents and the aim of major educational television programmes.

1. *School broadcasts*

Given from Monday to Saturday for one hour and 20 minutes daily (11.00-12.00, 13.00-13.20). The broadcasts are designed for use in the classroom, and are divided into various grades—kindergarten, lower-, middle-, and higher grade of primary schools, and middle schools. The programme for each grade is broadcast three times a week, each continuing for 15 to 20 minutes, giving necessary guidance to pupils parallel with the school curriculum by means of demonstrations and films.

2. *Programme for Young People*

A serial programme broadcast once a week between 19.00-19.30. The programme deals with many subjects;

[1] Japan's first regular commercial service of cultural and educational programmes was started on 1st February by the Nippon Educational Television Company. Some 80% of programmes are sponsored. (Ed.)

for instance, the musical serial entitled *World Songs*, the science serial *From the Kite to the Aircraft*, the history series *Tokyo in the Edo Period*. In addition, there is another serial called *Athletics Classroom*. All these serials are designed to give an explanation of fundamental principles as well as guidance on actual practice. There is another serial intended to give guidance on the art of living, which consists of two parts—the first half dealing with various problems concerning youth, presented in drama form, and the second half giving keys to the solution of these problems through free discussions among boys and girls.

3. *Educational and information programmes for youth and adults in general*

Foreign language courses. — English conversation course, Monday to Friday (19.30-20.00). Rudiments of pronunciation and intonation, and conversation, both elementary and advanced, are given by foreign instructors.

Natural Science. A weekly serial (20.00-20.30). This serial comprises various themes, i.e. Evolution, Structure of the Universe, Today's Medical Science, Function of Electricity and Scientific Topics—all these are explained by experts in plain language with the help of demonstrations.

Cultural Programmes

Design for Living, a weekly serial (20.30-21.00). The programme is designed to help listeners to understand the structure and mechanism of law and economics that have a direct bearing on day-to-day life. (Relationships between home economy and public finance, etc.).

Science for Daily Life. Familiar themes in our daily life — food, clothing and shelter—are taken up and explained from a scientific point of view, as a guide to rational living.

Japan's Fine Arts. A chronological observation is made of outstanding examples of Japan's paintings, architecture and industrial arts, and an elucidation at the same time of the corresponding cultural and social backgrounds. The appreciation of Japanese literature is dealt with in a programme called *Japan's Literature*.

In addition, various courses are given each week for 30 minutes, dealing with agriculture, commerce, technics, television technique, beauty culture, and nursing, in order to meet the demands of special groups of people.

Examples of Saturday's programmes

Counsel Room on Education (13.30-14.00). A programme for teachers and parents on the subject of child education.

This Week's News (19.30-20.30). A programme in the form of a round table discussion, in which weekly events are shown on newsfilm, and discussed and elucidated by experts in the respective fields.

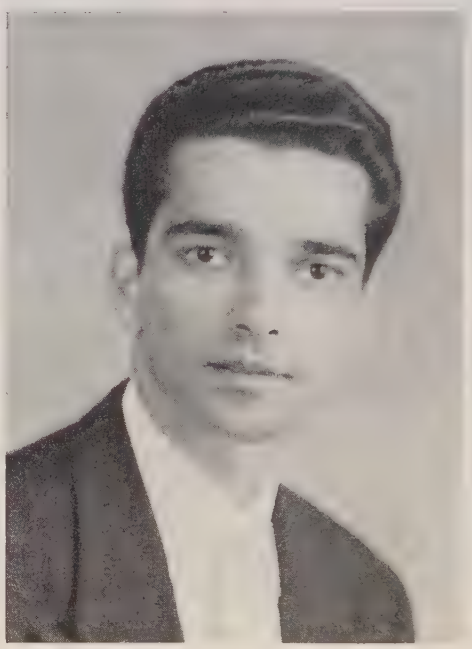
Examples of Sunday's programmes

Problems Facing Japan (19.30-20.30). Important questions facing Japan are handled with the aid of films, on-the-spot broadcasts, and discussions.

Art Theatre (20.30-22.00). Masterpieces of drama, music and dancing are presented with a commentary.

MOROCCO

Radiodiffusion Nationale Marocaine Appoints New Director-General. — Dr. Mahdi Elmandjra has been appointed Director of the Radiodiffusion Nationale Marocaine in succession to Mr. Kacem Zhiri who has left to take up another appointment.



Dr. Mahdi Elmandjra

Dr. Elmandjra was born in Rabat and completed his secondary education at the Lycée of Casablanca. He obtained a degree in Political Science at Cornell University, New York, in 1954, and his doctorate in Law (International Relations) at London University in 1958.

Dr. Elmandjra has been Professor of International Law at the University of Rabat and has also taught at the Moroccan School of Administration. Foreign Affairs Adviser to the permanent mission of Morocco to the United Nations, he subsequently became a member of the Moroccan delegation to the United Nations and member of the Economic Commission for Africa in Addis-Ababa.

NETHERLANDS

New Chairman for NRU Board. — Dr J. B. Kors has resigned from the office of Chairman of the Board of the Nederlandsche Radio Unie for reasons of health. Maître A. B. Roosjen, who has been appointed to succeed

him, was already on the Board of the NRU as representative and Chairman of the Nederlandse Christelijke Radio Vereniging (NCRV).

Dr. Kors is to be replaced as Chairman of the Katholieke Radio Omroep (KRO), where he has been in office for 14 years, by Father E. H. J. van Waesberge.

SWEDEN

Ibra Radio: A Missionary Venture. — Originally known as the International Broadcasting Association, IBRA RADIO was incorporated in July 1955 by Dr. Lewi Pethrus of the Filadelfia Church in Stockholm and Mr. Karl G. Ottosson, a Swedish industrialist, for the purpose of transmitting religious programmes by radio to the countries of Europe, Asia and Africa. Starting with short-wave broadcasts only, IBRA RADIO also introduced programmes on medium waves in July 1956.

IBRA RADIO, a non-profit-making international missionary project, broadcasts over the facilities of Radio Africa, one of the most powerful radio stations of Tangier in North Africa. All the programme recording work is organised from the main recording centre in Stockholm, Sweden, where 19 rooms with a total floor space of more than 400 sq. metres are available. About 25 full-time IBRA workers are employed here, and there is also a special IBRA RADIO Choir, numbering 25 persons, an IBRA Orchestra, and an IBRA Trio. IBRA RADIO has its own studios, or representatives with IBRA recording equipment, in many other countries and these regularly supply tape recordings in their own languages.

As from the beginning of May 1958, IBRA RADIO broadcasts for 5 hours daily on short waves and 1 hour daily on medium waves in 19 languages: Swedish, Norwegian, Danish, Finnish, English, Dutch, German, French, Portuguese, Spanish, Italian, Greek, Esthonian, Hungarian, Polish, Russian, Ukrainian, Japanese and Esperanto. Other languages are to be added as soon as possible.

The programme schedule includes sermons, Bible study courses, missionary programmes; reports, interviews, debates; family, children's and young people's programmes; recitals, lectures, discourses, reviews, etc. These broadcasts meet with a wide response. During 1957, for example, 37,534 listeners' letters and reception reports were received from all over the world.

There is a special public relations department which among other things publishes the magazine IBRA.

In order to secure support for this missionary project and to ensure that IBRA RADIO is enabled to carry out its work of world evangelism successfully, an auxiliary called IBRA RADIO Federation has been formed. Its members are invited to give support and advice so that a high standard of Christian broadcasting may be maintained.

UNITED KINGDOM

BBC Workshop on Farm Television. — This international workshop which was announced in our last number proved to be a stimulating and highly successful venture of the BBC.

Delegates and observers from 18 countries were there to listen to lectures and to pool experiences in order to make the utmost use of television as a means of raising standards of agricultural efficiency in Europe. Countries represented at the conference were: Austria, Belgium, Denmark, France, Germany, Greece, Ireland, Italy, the Netherlands, Portugal, Sweden, Switzerland, the United Kingdom, Yugoslavia, Australia, Canada, India and the United States.

In opening the workshop, the Controller of BBC Midland Region, Mr. H. Dunkerley, told delegates that this was an age in which the farmer had come to accept agricultural technical advice as something which was absolutely necessary. Technical journals and books, the Press and farm radio were the main instruments in disseminating information and now came television, a new and potent instrument, which must be used properly if it was to be of constructive value.

After praising the achievements of farm radio, he reminded delegates that at least nine countries in Europe had agricultural television programmes of some kind, and in the United States there were many such programmes. When the Organisation for European Economic Cooperation (OEEC) decided to organise this course, the fact that 18 countries accepted showed that there was indeed a need for such a gathering.

During the week's duration of the workshop the delegates covered a large number of points. On Sunday they attended a live transmission of *Farming* at Midland Region's studio and the next day they saw the making of a television film. They had talks on continental experiences of farming television productions by Mr. Renato Vertunni, Director of Agricultural Television Programmes, RAI (read in his absence by John Stordy of FAO), Mr. A. Deleule of the French Ministry of Agriculture, and Mr. A. Gobbe, Director of the Agricultural Information Service in Brussels.

There were two interesting discussions, the first of which attempted to evaluate the impact of television on farming and rural communities. Experiences in Europe and America were described and a lengthy and lively exchange of opinions followed. A viewers' panel of farmers and representatives of national and international farmers' organisations then discussed what consumers felt about farm television up to the present, and gave their views on the future use of television to provide the best possible agricultural advisory and information service.

UNITED STATES

NAEB International Relations Committee. — Dr. Keith Engar of Station KUED, University of Utah, Salt Lake City, has been appointed the new chairman of the International Relations Committee of the National Association of Educational Broadcasters.

BOOK REVIEWS

Television and the Child, by H. T. Himmelweit, A.N. Oppenheim, and P. Vince. Published for the Nuffield Foundation by the Oxford University Press, London, 1958. (522 pages, price 42s.)

A highly significant publication, this authoritative study which is the outcome of serious sociological research is perhaps the most important development yet in a field that has been the subject of controversy since the impact of television on the child viewer became a matter for public concern. Many of the findings might be said to be negative to the extent that they either refute charges that have been made against the medium or disprove some of the claims of its most hopeful supporters, but one of the great merits of the survey is that it confirms what common sense has always maintained and challenges some of the generalisations and widely-held views on the effects of television on the children who view. On the results of the survey, television proves to be neither so black as it is painted nor the great harbinger of culture and enlightenment which its enthusiasts tend to claim.

The study was sponsored by the Nuffield Foundation and directed by Dr. Hilde T. Himmelweit, reader in social psychology at the London School of Economics, in collaboration with Dr. A. N. Oppenheim and Miss Pamela Vince, assisted by six collaborators and an advisory committee. The enquiry took four years to complete and is probably the most comprehensive of the kind yet made either in the United Kingdom or the United States and as such should most certainly be read by all concerned with television programmes whether at the producing or the receiving end.

The main survey work was carried out in 1955, when only BBC television was on the air, among 4,500 children of 10 to 11 and 13 to 14 in London, Portsmouth, Sunderland and Bristol, and also in Norwich where the opening of a new television transmitter provided the opportunity for a " before and after " study. When the second channel was introduced, a small-scale study was made.

At the time of the survey, children of both age groups watched television for an average of just under two hours a day, spending more time on television than on any other single leisure activity. Most children viewed reasonably selectively and the higher the child's intelligence the less his viewing. Boys and girls spent roughly the same amount of time in front of the set. Viewing seemed to become a habit on which the child fell back when nothing more interesting was available. Outdoor play and social activities proved television's strongest rivals and for the average child viewing took second place to these.

The social level of the home proved of little importance in affecting how much children viewed. What proved much more important was parental example and, to a lesser extent, parental control. The introduction of a second channel did not increase the number of hours the children spent in viewing.

From the age of 10 onwards, at least half the children watched adult programmes until 9 p.m., and even after 10 p.m. one third of the 13-14 year olds was still watching. Three quarters of the children voted for adult programmes as their favourites. Age and intelligence affected preferences, but the social level of the home made little difference. Girls seemed just as much interested as boys in crime and detective series, but adult political programmes, documentary and discussion programmes held little appeal even for the more intelligent children.

The more the child can follow his favourite choices by switching from channel to channel, the less likely is he to come in contact with programmes which from an educational viewpoint would prove more worthwhile and would enable him to broaden his taste.

On the reactions of fear and anxiety which have been the subject of much concern in recent times, the authors observed that Westerns tended to frighten only the very young or the insecure and it was likely that the majority of children could enjoy them without fear by the time they were about 7. On the other hand, detective, murder and crime thrillers were often mentioned as frightening by adolescents as well as by the 10-11 year olds. Many children were frightened by incidents in horror programmes, space fiction, and even in such dramatisations as *Jane Eyre*. But real events of a violent nature seen on newsreels were rarely mentioned as frightening. Fiction made a deeper impact than reality. Guns proved least, and daggers and sharp instruments most, disturbing. Fist-fights were disturbing only when they occurred in real life rather than in fictional programmes. Verbal acts of aggression, reprimand, and ridicule sometimes occasioned more unease than physical aggression, particularly when they occurred in real-life situations. Children were disturbed by situations with which they could identify themselves, and this was a more important factor than the sheer amount of force of the physical violence shown.

The authors did not find that children who watched television were any more aggressive or maladjusted than those who did not, but television could precipitate aggressive behaviour in children who are emotionally disturbed. By taking up such a disproportionate amount

of viewing time, these programmes, it was felt, prevent the showing of more varied types of programmes that could offer children a broader view of life.

It was found that television improved the general knowledge only of the younger or duller children. Viewing offered other children little that was new and took time away from other sources of knowledge, such as reading or radio. Television created no particular interest in any school subjects nor were viewers markedly better or worse at any of them. The authors found that television could not be said to make children listless or lead to poor concentration at school or reduce interest in school.

When television came into the home, children listened very little to the radio. Younger viewers reduced their cinema visits but older children, after the first year's viewing, reverted to former practice, regarding the cinema as a social occasion, more important to the older than the younger child.

At first television reduced the amount of reading, but after a time viewers were found to read as many books as those without television sets, but fewer comics. Television in fact tended to stimulate interest in reading.

Two thirds of the children questioned said that the television set was left on all evening in their homes. There were also signs that television is used as an instrument of discipline, for punishment and reward.

No evidence whatsoever was found that television increased passivity, led to loss of initiative and a jaded palate, or dulled the imagination. Nor on the other hand did it make children more enterprising, stimulate them to make things, enter competitions, visit places of interest, or develop new hobbies. Viewing seemed to stimulate interest rather than activity.

There was very little difference between viewers and non-viewers in effective sleeping time, and in general viewing did not seem to over-excite the children tested. Defective eyesight was no more frequent among children who watched television than those who did not. It was felt however that there was need for more education of parents and children on the correct conditions for viewing so as to lessen the possibility of eyestrain.

In this survey, intelligence emerged as the single most important determinant. This is shown both in the amount the children view and in their interest in viewing. The more intelligent the child, the less inclined will he be to watch television and the less interest in it will he show.

One important factor determining the amount of time a child watches television and the importance viewing assumes for him lies in the personality of the child, in the quality of his relationships with his friends and family and in the general home atmosphere. The active child, socially at ease with a happy home background, is the least likely to become preoccupied by television. The child's personality also affects his reactions to the content of television programmes — the extent to which these frighten and disturb him and the extent to which he identifies himself with the characters on the screen. Equally important in this context is family atmosphere and parental example. Where parent viewing is high the children will tend to adopt a similar pattern, and if parents view continuously and indiscriminately themselves, their children are likely to view unselectively.

The teacher's role in this connection is seen as one of suggesting future programmes to be viewed, of interesting children in the better plays or in some non-fiction programmes which, through switching from channel to channel, they are likely to miss.

That adult programmes make more impact on children than those specifically designed for them is an important fact to be borne in mind both by programme producers and parents. As three out of four 10-11 year olds view regularly until 9 o'clock in the evening and three out of four 13-14 year olds go on until nearly 10 o'clock, the responsibility that falls on adults concerned with children's viewing is a serious one. The authors feel that producers cannot maintain that all responsibility lies with the parents as viewing is after all a family affair. They suggest that programmes included for the period from 6-9 p.m. should be vetted and plays containing incidents of violence or horror shown after 10 p.m. Details of programmes unsuitable for children should be given in advance in the programme journals. Balance of adult programmes, balance of children's programmes in relation to the adult ones, and the balance of children's programmes for both channels so that worthwhile programmes would be shown on both at the same time, are strongly recommended by the authors of the study.

This brief *aperçu* can give no more than a glimpse of the overall picture that emerges from a reading of the full report and its useful appendices. Anyone seriously concerned with the subject and wishing to gain a proper perspective will most certainly give this book the careful study it deserves.

Television and Radio Writing, by Stanley Field. Boston, Houghton Mifflin Company, 1958. (544 pages, price $6.75.)

This is a practical guide by a professional expert, covering both radio and television writing. Mr. Field is a University professor and radio and television production chief with experience in the field as director, copy writer, dramatist and documentary writer. The need for a book that would meet the author's requirements as a teacher in the school of communication at The American University in Washington prompted him to write this guide.

Mr. Field is concerned with the television writer and the radio writer as craftsmen, first and foremost, bound by the restrictions of the media for which they write. Although it seems doubtful to him whether a television play will ever be considered as great art, he views the possible emergence of a series of modern classics with

an open mind. While acknowledging the existence of much that is creative and imaginative in television, the author feels that a great deal of the fare offered is something most of us have tasted before. Many radio programmes have been taken over lock, stock and barrel with the mere addition of a camera. The hope of radio, as he sees it, lies in experimentation, which he commends to his students, and the search for programmes of a type not available on television.

The creative goal of many of the writers to whom Mr. Field's book is addressed is free-lance television, but there is a great deal of writing bearing no relation to the drama as such, without which television and radio could not exist. With this in mind, the author gives equal consideration to staff-writing and to free-lancing, discusses with many illustrations non-dramatic continuity — commercials, news copy, interviews, talks, announcements — and the television drama in all its forms. Separate sections deal with such special types as the documentary, the educational programme and children's programmes.

The final section on copyright and marketing information is naturally concerned primarily with conditions in the United States. Appendices contain a list of test assignments based on the various chapters of the book, a glossary and a bibliography.

Mr. Field's experience as a teacher as well as a radio and television expert has enabled him to present his subject with admirable lucidity and we feel that his modest hope that his book will prove a spur to all beginning writers should be amply justified.

MISCELLANEOUS PUBLICATIONS

The Kinescope and Adult Education, by J. Dumazedier assisted by B. Sylwan. No. 26 in the series of reports and papers on mass communication, published by Unesco, Paris, 1958. — The purpose of the study described by Mr. Dumazedier in this publication was to evaluate the usefulness of kinescopes, or telerecordings, for adult education and to compare their efficacy with that of films dealing with similar subjects. A montage of sequences was used from the experimental kinescopes that had been made of the series of programmes produced in 1954 in cooperation with the French television service under the title "Etat d'Urgence" (State of Emergency) [1].

There is a detailed account of the content of the kinescope and film programmes used and the method of selecting the people to be invited to the showings, as well as a comparison of the reactions observed. The results of the study, recorded in the final chapter, indicate that kinescopes can at least be as useful as films in adult education and that the television style of presentation may be retained in the recorded programme without any appreciable loss of audience impact.

To cover all aspects of the subject, further studies are required, especially in technically less developed countries, and it is hoped that this report will be of assistance in new experimentation.

The BBC Looks Ahead. — A 16-page booklet published by the BBC containing the texts of addresses by the Chairman, Sir Arthur fforde, on *The Future of Broadcasting in Britain* and by the Director-General, Sir Ian Jacob, on *The BBC and Education*; an article on broadcasts for schools; and an account of a survey on serious programmes broadcast by the BBC television service and the ITA in peak hours.

[1] See *EBU Bulletin* No. 25, p. 367, and No. 39, p. 747.

Part A (Technical) of E.B.U. Review No. 54

contains

an article by H. G. von Braunmühl on the operational utilisation of the ampex video-tape recording system,

an article by E. Castelli on the planning and performance of the Milan-Rome-Palermo television radio-link chain,

an article by J. C. Andrew describing the receiving station of the New Zealand Broadcasting Service at Quartz Hill,

a note setting out some interesting features of a novel high-power Band-IV television transmitter using klystron valves,

topical notes concerning the technical activities of broadcasting organisations in various countries, notably : the coverage of the international ski championships at Kitzbühel, the development of mobile recording units in Denmark, a television transmission from a moving train recently undertaken by the RTF, the application of the test-line principle to the production-testing of television receivers, the wire-broadcasting system recently inaugurated by the RAI, new sound and television OB vehicles in the Netherlands, a novel system for sub-titling televised films adopted by Sveriges Radio,

together with changes in the European long-wave and medium-wave broadcasting bands up to 1st March, 1959, a list and map of the television stations in Finland, and reports on the nineteenth meeting of the Bureau of the Technical Committee in Rome and on meetings of Working Parties K, L and M.

LEGAL SECTION

ASSIGNMENT OF PERFORMERS' RIGHTS AT GERMAN LAW

THE POSITION REGARDING RIGHTS IN FUTURE MECHANICAL CONTRIVANCES

by ALFRED BAUM, LL.D.

I

1. The " Act respecting Copyright in Literary and Musical Works " [1] which came into operation in 1901 contained a Section 2 that was worded as follows :

> The author of a work is the person who creates it. In the case of a translation the translator, and in the case of any other adaptation the adapter, is deemed to be the author thereof.

On the occasion of the 1910 revision of this Act, the following provisions were added to Section 2 :

> If a literary or musical work is recorded by means of a personal performance on contrivances or devices for use with instruments by means of which sounds may be mechanically reproduced, the contrivance or device so produced shall be considered the equivalent of an adaptation of the work. (...) In the case referred to in the first sentence above, the performer shall be deemed to be the adapter ... of the work.

Revision of the Act had become necessary in order to bring the 1901 Copyright Act into conformity with the revised Berne Convention as adopted at the Berlin Conference in 1908. At this Conference the authors of musical works were granted the right (under Article 13 of the revised Convention) to authorise the adaptation of their works to instruments which could reproduce them mechanically and the performance in public of those works by means of such instruments.

Authors of works published for the first time in one of the countries adhering to the revised Berne Convention can assert the powers granted them under the revised Berne Convention even if the legislation of the country in question withholds those powers from its own nationals. This has never been contested. Accordingly the legislature was obliged to grant its own nationals the conventionary right deriving from Article 13 of the revised Berne Convention if it wished to avoid placing them in a less favourable position than nationals of the other countries of the Union.

For this reason the revised statute of 1910 provided in Section 12, sub-section (2), paragraph 5, that the exclusive rights would also extend to the recording of works on contrivances or devices for use with instruments by means of which sounds may be mechanically reproduced.

These new rules meant that the manufacturers of mechanical contrivances (and particularly the record industry) were much worse off than they had been under the earlier law, because Section 22 of the 1901 Act made reproduction permissible " if a published musical work is recorded on discs, plates, perforated rolls, tapes, bands and similar components of instruments by means of which musical pieces may be mechanically reproduced ".

On the other hand, however, the revised statute of 1910 also put the record industry in a stronger legal position, because Section 2 (2) of the Copyright Act was designed to protect the industry against the exploitation of the phonograms manufactured by them at considerable trouble and expense.

After Kohler had expressed the opinion (cf. GRUR, 1909, pp. 230 ff.) that copyright might very well subsist in artistic performances once they were fixed in a material form, the legislature of 1910 had seen its duty to be to grant the performer a protective right, though he would normally assign it to the record manufacturer.

Assignments of this kind have been effected constantly since 1910. They are the basis of the action against the former Reichs Rundfunk Gesellschaft, in which judgment was given on 14th November 1936 for the gramophone industry.

The solution adopted in Section 2 (2) of the Copyright Act has come in for some scathing criticism. Marwitz-Möhring, in his Commentary on the Copyright Act, says on p. 46 in this connection :

> To grant someone a copyright in order that he can assign it to another and thereby procure legal protection for the latter's business enterprises is an idea that assuredly has no business to be in an Act respecting Copyright in Literary and Musical Works.

[1] Hereinafter called " the Copyright Act ".

It is not without interest to note that when in 1920 Austria embarked upon a revision of the Austrian Copyright Act of 1895—it was required under the Peace Treaty of Saint-Germain to accede to the revised Berne Convention — the legislature did, it is true, take over into the new Act of 1920 a body of rules corresponding to Section 2 (2) of the German enactment (cf. Sections 23 and 28 of the new Act), but ordained that where a work was commercially recorded on mechanical contrivances the adapter's copyright should vest from the outset in the manufacturer.

2. It is not the intention in this article to discuss the scope of the rights called into existence by Section 2 (2) of the Copyright Act, and similarly it is not proposed to go into the question whether the adapter's copyright vesting in the performers and their successors in title also includes public performance. The subject of the present study will be the question that formed the original title of this essay, namely " Can the right deriving from Section 2 (2) of the Copyright Act be assigned away without restriction and even in respect of mechanical contrivances yet to be made ? "

3. To the best of my knowledge, hardly anything has been written on this subject. Performing artists had got into the habit of assigning the rights vested in them by law to the record manufacturers by whom they were engaged for recording sessions.

The first rumblings of the approaching storm were heard in 1929 or 1930. There were at that time in Berlin two associations, the *Verband konzertierender Künstler Deutschlands* and the *Verband Deutscher Orchester- und Chorleiter*. The moving spirit behind both associations was one Dr. Cahn-Speyer, a doughty champion of the rights of performing artists.

One day both associations sent out letters to their members and also to a number of non-members urging them to assign the rights brought into being when their performances were recorded on mechanical contrivances to the associations in question. The record industry at once leapt into the fray, and notified all the performers and conductors known to it that the industry could not see its way to making recordings by such persons if the rights accorded them by Section 2 (2) of the Copyright Act were not made over to it. Thereupon the two associations (or perhaps only one of them—it is hard to say after nearly 30 years have gone by) applied to the Berlin *Landgericht I* for an interlocutory injunction restraining the record manufacturers who had sent the above-mentioned communication to the performers and conductors from sending out further letters of that nature. If my recollections are correct, the motion was opposed by thirteen gramophone firms. The Court decided on the oral procedure. In this case the performers' associations were represented by Justizrat Dr. Marwitz, while I led for the respondent record manufacturers. In the first court the application for an interlocutory injunction was refused, and no appeal was entered against this decision. The application was based on the Restrictive Practices Ordinance of November 1923, and it was rejected because no written agreement between the firms concerned was put in evidence and because these firms had acted in self-defence. Passions cooled, and the relations between the performers and the record industry returned to normal again.

4. But this normalisation of relations should not render one oblivious to the fact that the passage of Section 2 (2) of the Copyright Act, coupled with the general principles of civil law, had thrown up problems which, so far as I am aware, have never been investigated to this day. I have raised these matters with many jurists, especially those who are professionally active on behalf of the German record industry, and I had rather hoped that one or other of them might be moved to write something on the subject. This unfortunately has not been the case, and hence I suppose it is up to me to discuss this complex of questions in order to enable a wider public to adopt a position about them one way or another. In so doing my primary concern has not been the rights which undoubtedly inure to the conductors and the soloists under the terms of Section 2 (2); my remarks will instead be confined to cases in which the rights instituted by Section 2 (2) are claimed by members of choirs or orchestras. The initiated are aware that these members of choirs or orchestras have to a very considerable extent transferred to associations organised along the lines of trade unions the copyright prerogatives supposedly granted to them by Section 2 (2), and even those arising in the future.

5. The assignment of copyright is governed by the provisions of Article 413 of the Civil Code, which is couched in the following terms :

> The provisions relating to the assignment of claims shall apply in like manner to the assignment of other rights, unless otherwise provided by law.

In an examination of the extent to which the provisions of Articles 398-413 of the Civil Code are applicable to assignments of copyright, three different aspects will call for investigation.

A. Is the right claimed by a member of a choir or orchestra and transferred by him to an organisation of the afore-mentioned type both for the present and for the future a right that is so unmistakably defined or definable as to make assignment permissible ?

B. Is not the provision in Article 399 of the Civil Code applicable, whereby " a claim may not be assigned if performance of the obligation to a creditor other than the original creditor is not feasible without modification of the content of the performance " ?

C. Where a member of a choir or orchestra assigns to a third party, and above all to a professional organisation, future rights supposedly accruing to him under Section 2 (2) of the Copyright Act, is such a contract

not calculated to hinder the performer's recording and broadcasting activities so considerably—if not to make them impossible—that it can be considered to be contrary to public policy ?

II (ad A)

1. The authorities and the precedents are in agreement that even claims that have yet to arise may be assigned away, but only on the condition that the claim is perfectly recognisably defined or at least definable.

It must be assumed *a priori* on the strength of Article 413 of the Civil Code that this also holds good for the assignment of rights, including copyrights or copyright prerogatives. As a matter of fact the Federal Court has ruled, in a decision handed down a few years ago, that copyright in future works is susceptible of assignment so long as the works to be affected by the assignment are unmistakably defined or definable.

2. The authorities are divided in their opinions whether the copyright in such works passes in the assignment contract, or whether this contract merely establishes a binding engagement on the part of the assignor, while the actual assignment only becomes effective when the work is completed. Marwitz-Möhring, in the Commentary on the Copyright Act, p. 78, expresses the following view :

> For a right to be assigned, the first condition is that it must exist, yet copyright arises only with the act of creation. Contracts concerning a future work are therefore permissible per se, but they only constitute a preliminary contract which binds the author to transfer his right after the completion of the work, with the result that another assignment in breach of the contract will be valid, and the author who assigns the right to a third party will only be liable in damages to the other party to the contract.

I cannot share this view. If the transfer of future claims is permissible in so far as they are defined or definable, it must be assumed that the same is true, in application of Article 413 of the Civil Code, as regards the transfer of rights, and hence the transfer of copyrights. Just as in the case of an assignment of a claim, where the new creditor steps into the place of the previous creditor upon the conclusion of the contract, so must it be inferred that a person acquiring the copyright moves into the position previously occupied by the author upon the conclusion of the contract. He would thus become the proprietor of the copyright.

3. It is conceivable that assignments of copyright may be made on a fiduciary basis. The Swiss Federal Court, sitting as the Supreme Court of Appeal, raised the question some years ago in a penal action whether the previous assignment of the exhibiting rights in a sound film to SUISA, the Swiss performing right society, prevented the author from assigning the exhibiting rights to the film producer of his own accord. The Supreme Court ruled that in spite of the previous cession to SUISA the subsequent assignment to the film producer was not null and void, because SUISA only administered the exhibiting rights assigned to it in the capacity of a trustee.

It is, however, extremely doubtful whether it is proper to conclude from the judgment of the Swiss Federal Court that despite a previous assignment of the exhibiting rights the author retains the right to dispose of such rights in a contract with the maker of the sound film if the previous assignment was only in the nature of a trust. Above all it should be borne in mind that this was a verdict in a criminal action in which the point at issue was whether the accused, a cinema owner, was justified in assuming that the producer of the sound film had contracted with the author in person and was accordingly in a position to grant him permission to exhibit.

4. If an author assigns away the copyright prerogatives in future works, it will normally be the assumption that such an assignment implies that the work or works are defined in the requisite manner. The author and the purchaser both know that the rights in any works created by the author in his own name have passed to the purchaser.

The same probably applies when a conductor transfers to a third person the rights under Section 2 (2) of the Copyright Act that accrue to him when he is engaged by the gramophone industry or the broadcasting organisation and a fixation is made of his performance. But this is not by any means certain. Under Section 2 (2) of the Copyright Act the copyright subsists in the " contrivance ". Now the " contrivance " is not brought into being by the performer, but rather by the radio organisation or the record manufacturer. Whether it is possible to assign to a third party the rights in an object made by someone else, even if that object enjoys statutory protection, is a question that will need to be considered with particular care.

Mutatis mutandis the position in law of artists appearing as soloists would seem to be identical with that of the conductors.

5. The question whether the protection of the adapter's copyright instituted by Section 2 (2) of the Copyright Act inures only to the conductor and the soloists, or to the individual musicians performing in orchestras and choirs as well, will not be dealt with here. Rather will it be presumed in the following lines that the individual members of choirs and orchestras are also rightholders under Section 2 (2) of the Copyright Act.

6. Where reference has been made in the foregoing to members of choirs or orchestras, this expression is not intended only to mean those persons who become permanent members of a choir or orchestra on the strength of a regular contract of employment, since it will also be necessary to direct our attention to the many other bands and choral groups. Most of these are composed

of musicians or singers whose musical activities are only a sideline to their regular work. There are literally hundreds of dance bands and hundreds of choirs and choral societies of all shapes and sizes. But there is one thing in common to them all, and that is that their membership is constantly changing. A person belonging to orchestra A today may be a member of orchestra B tomorrow. There is just one other thing they have in common : if the individual members of choirs and orchestras possess any rights at all under Section 2 (2), there exists among them only a collective copyright, pursuant to Section 6 of the Copyright Act.

Supposing that some member of a choir or orchestra assigns to a third party—individual, association or trade union—the copyrights vested in him under Section 2 (2), it cannot be said that these rights are sufficiently defined or definable. There will be general agreement that it is not possible for someone to transfer to a third party those copyright prerogatives which he will enjoy in the future under Section 2 (2) in common with members who are unknown to him and are constantly changing. Such an assignment would be lacking in the requisite definition.

When it is further taken into account that many members of choirs or orchestras subsequently resign from one formation in order to transfer to another, it becomes abundantly clear that the assignment of future rights is an absolute impossibility. It may happen, for instance, that one or two musicians enter another orchestra, and that the other members of this orchestra have retained their presumed rights in their own possession, i.e. have not assigned them to a third party. The two new members could then block any activity on the part of the orchestra !

There is another side to the matter. One must think of those who engage choirs and orchestras for performances, these being primarily the phonographic industry and the radio organisations, which like the phonographic industry are continually making tape recordings of the performances given in their studios. The rules regarding acquisition in good faith do not apply to the acquisition of copyright. If a record manufacturer or a broadcasting company is aware that certain orchestral players have made over their rights to an organisation they will certainly insist that this organisation release the players for the recording session, i.e. allow them notwithstanding the assignment to accept an engagement for the record manufacturer or the broadcasting company. If however, even after questioning the musicians, the record manufacturer or the broadcasting company is in ignorance of the fact that the rights arising out of Section 2 (2) of the Copyright Act have already been assigned to a trade union, a completely intolerable situation may be produced. Should the manufacturer put the recording thus made on the market, he must reckon with the possibility that the sale and distribution of the recording will be enjoined or else made to depend on conditions that are impossible of fulfilment. After all, " each joint author is entitled to bring proceedings for infringements of copyright in his own right " (cf. Marwitz-Möhring, *Kommentar zum LUG*, p. 60).

If however it is prohibited to sell the phonogram, this signifies for the manufacturer the loss of the money he has invested in making the recording, often a sizeable amount. Much the same is true of radio : the broadcasting organisation could be forbidden to broadcast the tape recordings it had itself produced by any performer who had previously assigned his presumed rights under Section 2 (2) to a trade union. The broadcasting organisation would thus also be placed in an intolerable position.

The consequences that may ensue from the assignment of the rights supposedly vesting in the musicians to third persons, particularly to trade unions, are well illustrated by the following case. An orchestra of repute in Switzerland was approached by a manufacturer of phonographic records to perform for recording in return for the customary remuneration. Switzerland, too, has granted a right in mechanical recordings to the performers, under Section 4 (2) of the Swiss Copyright Act of 1922. Relying on this provision, the members of the orchestra had assigned their rights to an association by the name of SIG (*Schweizerische Interpretengesellschaft*), in the belief that each individual member was a right-holder. They duly notified the record manufacturer of this fact, and the manufacturer thereupon contacted the SIG. The latter organisation was prepared to permit the orchestra to perform for the recording sessions, naturally in return for the customary fees and the other conditions of employment applicable in dealings between the manufacturers and the musicians, but it attached the condition that the record manufacturer should pay over a certain percentage of the retail price of each record sold, not as one would think to the musicians taking part, but to the SIG itself. What was the result ? The manufacturer simply engaged a foreign orchestra instead of the Swiss one.

If the procedure described above takes hold, we in Europe will be in the same position as the United States. In that country the powerful American Federation of Musicians, which until recently was presided over by Mr. J. C. Petrillo, imposed a boycott on the United States record industry which I understand to have lasted some eighteen months. The American record industry was prevented by the anti-trust laws from adopting a common defensive position, and in order to bring the boycott to an end was constrained to agree to pay the union a given percentage of all record sales. The royalties thus paid now run into many millions of dollars, but what is done with the money remains something of a mystery.

There is yet another aspect to this matter. The number of record firms is steadily increasing, and new enterprises are coming into the market with varying degrees of success. I cannot conceive that anyone can make a valid assignment of the collective copyright under Se-

tion 2 (2) of the German Copyright Act to a third party or to an organisation if this copyright will only arise in the future in mechanical contrivances that will perhaps be produced by a gramophone record factory which as yet does not even exist.

In such a case I am of the opinion that the actual subject matter of the assignment is neither defined nor definable.

III (ad B)

1. According to Article 413 of the Civil Code, the provisions relating to the assignment of claims shall apply in like manner to the assignment of other rights, unless otherwise provided by law.

The general expression " rights " indicates that, unless otherwise provided by law, the assignment of real rights is also governed by the provisions applicable to the cession of claims. As far as I know, the fact that the provisions of Article 413 of the Civil Code relate in particular to copyright has never been called in question. The only point at issue is whether the substance of the copyright passes on assignment or only the exercise thereof. But it is unnecessary to pursue this matter further in the present article.

2. If it is desired to apply Article 399 of the Civil Code to copyright by analogy, it must be appreciated that in matters of copyright there is neither a debtor nor a creditor. This of course does not prevent Article 399 of the Civil Code from applying " in like manner ".

To the best of my knowledge, the question whether assignment of the copyright may be barred when the conditions of Article 399 of the Civil Code apply has hitherto never been examined or even answered. This question will therefore be investigated below.

3. Let us turn for a moment to the protection accorded to works of applied art and photography. Works of applied art (handicrafts) and photography are protected *de lege lata* by the Copyright (Artistic Works) Act in Section 1. In actual fact, however, the protection is always enforced by the undertakings that have employed the artist, either permanently or to make the specific work in question. What is certain is that these undertakings do not acquire copyright by original title, and that the copyright arises instead in the person of the artist or the photographer, the photographer being the person who exposes the negative, but is ceded by the beneficiary to the undertaking (cf. Fuld : *Kunstschutzgesetz*, Berlin and Leipzig, 1925, p. 10).

Under the *Referentenentwurf* works of applied art are to be protected by copyright, whereas photographic works are to be given only an ancillary right, which however confers substantially the same privileges as copyright. It is abundantly clear that even under the 1954 *Referentenentwurf* the right to protection arises in the person who makes the work of applied art or the photograph. In the case of works of applied art this proceeds from Sections 1-5 of the *Entwurf*, and in the case of photographic productions from Section 69. In the Explanatory Memorandum the following comment is made on Section 69 :

> Section 69 provides (as does Section 5 in the case of copyright) that the right to protection provided for in Section 68 (1) vests in the photographer, i.e. the person who has produced the photograph.

In other words it would appear that the problem of the first ownership of the protective rights in works of applied art will be dealt with *de lege ferenda* in the same way as under the existing law. This is, of course, on the assumption that the *Referentenentwurf* remains unchanged as regards the original beneficiary of protection.

The question now arises as to what the legal position is where an artist employed by an industrial art firm or photographic establishment has assigned away his copyright or right to protection, as the case may be, to a third party or an organisation prior to producing the work of applied art (or design for such a work) or the photograph. If such an assignment were permissible, the above-mentioned firms would be faced with a situation that might well prove ruinous for them. Suppose such firms were to put art products or photographs on the market by the thousand, only to find themselves suddenly prohibited from dealing in them, possibly by a mere interlocutory injunction. It is hardly necessary to dwell on the consequences. An action for damages would be merely throwing good money after bad. And the situation would be particularly disastrous if the employees in question had assigned their rights to a trade union, for this would set off an economic struggle between the undertakings and the unions, since the unions would be certain to demand appreciable sums for the further assignment of the rights transferred to them. It is, to say the least of it, somewhat doubtful whether the undertakings could remain in business.

4. If I conclude from the foregoing that if this were the law it would be quite impossible to reconcile it with the concept of law and order, I do so feeling reasonably certain that this opinion will be generally shared. If we cast about for authorities which would render legal evolution along these lines impossible, the provisions of Article 399 of the Civil Code at once strike the eye. In order to make my point absolutely clear, I will repeat the text of the relevant part of the Article :

> A claim may not be assigned if performance of the obligation to a creditor other than the original creditor is not feasible without modification of the content of the performance.

Since it is a principle both of the existing legislation and of the *Referentenentwurf* as well that the original creator of an intellectual work can only be a physical person (as opposed to a corporate body), no other course lay open to the legislator but to institute the creative artist or photographer as the beneficiary of the copyright in works of applied art and photographic works.

At the same time, however, one should not lose sight

of the fact that the ultimate intention behind the provisions enacting such protection for these two categories of persons was to place photographic and industrial art enterprises on a sound legal foundation.

In point of fact, copyright was vested in the creators of works of applied art and photography in order that they might assign that copyright to the undertakings that employed them. But if this copyright cannot be assigned to the undertakings because it has already been ceded to third parties (and specifically trade unions), then in my opinion the whole purpose of the copyright is defeated. Instead of being a weapon in the hand of the undertakings, it becomes a weapon turned against them by others.

But this fact is enough to make Article 399 of the Civil Code applicable. It could be argued that by reason of the assignment to a third party the content of the right is modified. Strictly speaking, of course, all that is involved is a modification of the motives which led to the enactment of the copyright, but this should not be a bar to the application of Article 399.

The courts have consistently held (cf. Warneyer : *Bürgerliches Gesetzbuch*, 5th ed., 1928, p. 426) that claims under what is known as the " building loan contract " are not as a rule transferable. The *Reichsgericht*, did, however, permit such assignment to a limited extent. According to RGZ 77, p. 157 (Supreme Court Reports), a claim to instalments of a building loan may be assigned in such a way that the assignor continues as the debtor under the loan, *provided that the assignment does not conflict with the purpose of the loan, which is to encourage building*, the result being that instalments that have not yet fallen due cannot be assigned away. Thus the rights flowing from the loan contracts are deemed to be non-transferable when they are at variance with the purpose (i.e. the motive) of the loan.

5. The considerations advanced under paragraphs 1 to 4 above afford a certain basis on which to solve the problem whether the rights deriving from Section 2 (2) of the Copyright Act can be assigned to someone other than the record manufacturers and broadcasting institutions which engage the performer.

As in the case of works of applied art and photographs, it can also be said that the purpose of the copyright brought into being by Section 2 (2) of the Copyright Act is to afford protection to the record industry and the broadcasting organisations.

When the original statute of 1901 was amplified by the amending Act of 1910, the whole object of the exercise was to protect the record industry, a fact which is abundantly clear from the explanatory memorandum to the amending Bill of 1910, and one that was given recognition by the above-mentioned judgment of the *Reichsgericht* in the action brought by the gramophone record industry against the then Reichs Rundfunk Gesellschaft. The purpose of Section 2 (2) of the Copyright Act would be lost if assignment to third parties were to be permitted. It would lead to consequences that would be an outrage to one's sense of justice.

If then the aim of Section 2 (2) of the Copyright Act was to secure to the manufacturers of phonographic records a form of protection for the records produced by them at great trouble and expense, that aim would be frustrated by previous assignment to outsiders. To repeat it once again, instead of the record industry being able to prosecute infringers of a right that was intended to be assigned to the industry, it would itself be exposed to prosecution by these same outsiders, if it put the records on the market.

It follows from the above that assignment of the rights accruing to the performers under Section 2 (2) of the Copyright Act to anyone but the record manufacturer who engages them completely modifies the nature of the rights. If this is the case, however, it follows that the rights which are founded on Section 2 (2) and which come into being through the act of recording are not susceptible of assignment.

IV (ad C)

1. The question under C above cannot, of course, be given a general answer, as everything will depend on the circumstances of the particular case.

If the assignment to the trade union is executed in such a way that the musician retains the right to accept engagements to record for broadcasting and for record firms and to assign to them any rights arising under Section 2 (2) of the Copyright Act, there can be no objection to it. But if a musician assigns his future rights to the trade union for a period of ten years or more, there is a very real danger that he may have to give up the income from his work for broadcasting and the gramophone industry, an income that means a great deal to him. After all, it is obvious that no recording firm or broadcasting organisation can afford to run the risk of making recordings by such trade unionists without obtaining authorisation to record from the union itself. But the union has it in its power to grant or withhold permission for its members to perform. This is not the place to discuss whether political considerations might not have a bearing on such permission or refusal, but the danger will nevertheless be there. And if indeed the musician is bound to the union for the rest of his life, it could hardly be denied that the contract containing such a binding provision is manifestly contrary to public policy.

Some fifty years ago the German courts had to concern themselves with the question whether a " no-competition " clause in a contract of employment was *contra bonos mores*.

This was in connection with the celebrated Weingartner Case. Felix von Weingartner, the senior conductor at what was then the Royal Opera House in Berlin, had to conduct the opera *Cavalleria Rusticana* some sixty times in a short period. A man of great

sensitivity and musical erudition, his nerves finally gave way and he found himself in breach of contract. The drift of the " no-competition " clause was that Weingartner would not be allowed to conduct for a certain number of years in Berlin or within a radius of fifty kilometres. His action was dismissed by the *Reichsgericht*, as I think rightly, because the artist was free to pursue his occupation not only in the rest of Germany but throughout the whole world.

It is patently clear that matters are very different in the case under discussion, since the commitment undermines the very livelihood of the person concerned.

Matters are different, too, in the case of authors, whether composers or writers. Composers and writers are entirely free to create, even if they have assigned the totality of their rights in future works to an organisation or a publisher. The activities of performers attract a fee, whereas those of the authors do not; they derive no pecuniary gain of any sort from the act of creation, and it is not until their works are turned to account that any revenue comes in.

Despite this, the courts have given findings that such agreements were *contra bonos mores* in either case, even where authors were concerned, in actions involving the so-called " muzzling contracts " (cf. Ulmer : *Urheber- und Verlagsrecht*, Springer-Verlag, 1951, p. 242).

V

1. The question concerning the relationship between performers and broadcasting organisations and the record industry can, however, be approached from yet another angle. What I am now about to say will require very close examination by others, for the theory I am propounding is a rather daring one. But that is no reason for withholding it from those who may be interested in the problem.

What I have in mind is the analogous application of the provisions on the publishing contract. Under Section 1 of the Publishing Act of 19th June 1901, the author in the case of literary and musical works is obliged to cede the work to the publisher with a view to its reproduction and distribution for his own account, while the publisher is obliged to reproduce and distribute the work.

Since a " mechanical contrivance ", under Section 2 (2) of the Copyright Act, is deemed to be an adaptation of the work recorded thereon, the applicability of the former Act cannot be ruled out on the grounds that a " contrivance " does not qualify as a musical or literary work. An adaptation of a literary work will generally speaking always remain a literary work, just as an adaptation of a musical work will always remain a musical work.

I can therefore see no reason for dismissing the Publishing Act as being inapplicable.

If one examines the second sentence of Section 1 of the Publishing Act, one will have to admit that the record industry is called upon to perform precisely the same functions as those that are incumbent upon the publisher under the customary publishing contracts. It has to reproduce and distribute the work, in this case the " contrivance " within the meaning of Section 2 (2) of the Copyright Act. To this extent there could surely be no objection to the application of the Publishing Act.

But even if one considers the obligations of the author, there is precious little to be said against the application, *mutatis mutandis*, of the Publishing Act. The author is required to cede the work to the publisher with a view to its reproduction and distribution for his own account. The work produced by a performing artist or by the musicians united in an orchestra is the " contrivance ". The proprietors of the copyright deriving from Section 2 (2) of the Copyright Act have, however, made this " contrivance " available to the *entrepreneur* with a view to its being reproduced and distributed for his own account. The fact that the " contrivance " is produced with the aid of the technical facilities of the *entrepreneur* is beside the point.

It is quite conceivable that performers could cause their performances to be recorded by a sound studio without the studio obtaining permission to reproduce and distribute the records thus produced. There can indeed be little doubt that the performer or performers could cede the contrivances to a broadcasting organisation or a record firm in such a manner that their co-contractants were entitled to reproduce and distribute them. In this instance the cession of the contrivance is tantamount to the cession of the work.

Those who have followed the foregoing remarks can hardly fail to realise that when Section 9 of the Publishing Act is applied an entirely different situation arises. Were the Publishing Act to be applicable, it would follow from Section 9 of that Act that any deeds of assignment entered into before the cession of the work are null and void, since according to the above-mentioned provision the publishing right only comes into existence after delivery of the work.

The example of the French shows that these lines of reasoning are not far wide of the mark. In France and in countries under the influence of French legal doctrine the recording of a work on mechanical contrivances is termed " *édition sonore* " or on occasion " *édition phonographique* ".

VI

The views expressed above are given for what they are worth; the reader can concur in them or reject them. My concern is less with the solution of the problems I have touched upon than with laying the groundwork in this essay for a scholarly investigation of these questions. Were I to succeed in providing the impetus for such an investigation, the purpose of my work would be fulfilled.

NEWS AND INFORMATION

INTERNATIONAL LABOUR ORGANISATION

International Protection of " Ancillary Rights ". — In the last article in the *Review* [1] discussing the decisions taken by UNESCO and the Berne Union and by the Director-General of the ILO respectively with a view to the preparation of two Conventions on the protection of rights ancillary to copyright, the last paragraph expressed the opinion that " the procedure seems to have been cleared up sufficiently to warrant the inference that the Diplomatic Conference which will have the task of signing the UNESCO/Berne Union Convention will convene in 1960, whereas the ILO instrument should come to maturity in 1961 ". However, subsequent developments since the time of writing would seem to suggest that the more usual approach of a single Convention, to be prepared under the auspices of the three intergovernmental organisations concerned, is returning to favour.

In point of fact, the Governing Body of the International Labour Office at its November 1958 Session unanimously decided not to ratify the two-Convention approach and the delimitation plan which was to govern the scope of each instrument, to defer any decision to its next session and to instruct the Director-General in the meanwhile to request the other two intergovernmental organisations to refrain from taking any further action in the matter *pro tempore*. Accordingly the Committee of Experts which UNESCO and the Berne Union were planning to convene in April of this year in order to get up a draft text for their Convention was adjourned.

The Governing Body of the International Labour Office took the question up again at its session in March of this year and unanimously decided to give the Director-General a mandate to reopen negotiations with UNESCO and the Berne Union directed towards the adoption of a single diplomatic instrument prepared by a single Committee of Experts and signed at a single Diplomatic Conference. This decision was preceded by two diplomatic Notes from the Belgian and Danish Governments expressing a preference for a single instrument, in conformity with the views expressed by twenty-odd governments when they were consulted on the Geneva (1956) and Monaco (1957) drafts.

All this indicates that the three intergovernmental organisations will shortly resume their negotiations with a view to reaching agreement on the composition of a single Committee of Experts whose terms of reference would be to develop a joint draft Convention—even if it includes some variant provisions—for submission to a single Diplomatic Conference.

[1] Cf. No. 51 b, page 27.

FRANCE

Protection of Broadcasts. — Article 4 of Ordinance No. 59-273 of 4th February 1959 respecting the Radiodiffusion-Télévision Française, which is listed elsewhere in this issue, gives the RTF protection against the retransmission of its broadcasts by wire or by wireless and against the reproduction of these broadcasts in any form whatsoever. The article is worded as follows :

" The retransmission, by wire or by wireless, of recording or the reproduction in any form whatsoever of all or part of a broadcast transmission for the purposes of performance in public, either free or for valuable consideration, shall be forbidden unless a licence so to do has been granted, subject to the monopoly of the Postal, Telegraph and Telephone Administration, by the Director-General of the Radiodiffusion-Télévision Française. This prohibition shall be subject to the same limitations as those contained in Act No. 57-298 of 11th March 1957 respecting Literary and Artistic Property."

The above provision calls for a few brief comments.

(a) There seems to be a printer's error in the text published in the French official gazette, and no doubt a corrigendum will be issued to put it right. It is evident that it should read " *the* recording " instead of " *of* recording ", and this indeed is borne out by the construction of the sentence itself. If this were not so, broadcasts would only enjoy protection in the event that they had first been recorded, and " live " broadcasts could as in the past be used at will for purposes of retransmission and reproduction, which was certainly not the intention of the legislator.

(b) This text, appearing as it does in an Ordinance promulgating a charter for the RTF, obviously applies only to broadcasts by the latter authority. Until further notice, therefore, a foreign organisation cannot claim in France the protection granted to broadcasts by the RTF.

(c) The fact that the Ordinance makes a distinction between recording and reproduction of all or part of a broadcast would appear to indicate that protection is granted in television not only against continuous recording but also against discontinuous reproduction, or in other words the taking of isolated photographs off the screen of the receiving set.

(d) Protection subsists irrespective of whether a charge is made or not for the public performance for which the broadcast is used. It differs in this from the protection accorded by the Decree of 25th June 1953 [1], which made the public performance of television broad-

[1] Cf. *EBU Bulletin* No. 21, page 583.

casts conditional upon a licence from the Director-General of the RTF and payment of a double fee where the projection took place on premises accessible to the public when a charge was made for admission.

(e) The protection is subject to the same restrictions that apply to copyright under the new Act of 11th March 1957. This limitation should probably be construed to mean that in every case where the author is unable to restrain the free use of his work, the RTF will be required in like manner to permit the retransmission, recording or reproduction of all or part of its broadcasts. This applies, for instance, in the case of reproduction for private use, which the author cannot prevent on account of Article 4 of the above-mentioned Copyright Act, and which the RTF will also have to accept.

The inference is that the Article 4 reproduced above will make it easier for France to adhere to an international Convention which grants protection to broadcasts.

Protection of Variety Artists. — In this appeal from a judgment of the Seine Court of Summary Jurisdiction *(Tribunal correctionnel)* on 9th February 1957 by which protection under copyright was accorded to variety artists performing a kind of running quick-change act known in French as *transformation à vue*, the Paris Court of Appeal handed down on 3rd March 1958 a decision upholding the judgment *a quo*. The Court below, whose findings were summarised in the *EBU Bulletin* at the time [1], held that a running quick-change act entitled those who had developed it to assert a proprietary right in view of the fact that by the sumptuousness and diversity of the costumes and their design, by the economy of effects and by the harmony of the whole, the creators of the act had renovated and improved upon an old technique. Thus the plaintiffs for damages, who were variety artists and by no means ' authors ' in the copyright sense, found themselves invested with a form of protection that it might have been preferable to earmark exclusively for original literary and artistic works in the true sense of the word.

In its decision the Paris Court of Appeal was hardly more attentive to the finer points of law than the Court below had been, and the grounds it adduced to affirm the judgment appealed from would seem to be no less contradictory. Admittedly it first conceded the appellants' point that as an art form " quick-change " was not susceptible of appropriation and that it could not be said that quick changing on the stage in view of the audience was a product of the creative originality of the plaintiffs, since this type of show did not bring about any new result which was eligible for protection in itself under the intellectual property Acts. But, in the next considerandum, the Court held that there was nothing in law to prevent statutory protection from subsisting in a music-hall act in cases where, by virtue of presenting a succession of scenes and costumes, it qualified as an original creation by the performer.

Thus, after granting copyright protection to phonographic records [1] and after finding a variety act to be a creative work in which similar protection may subsist, the French Courts seem to be moving towards a progressive widening of the concept of authorship and the concept of copyright works, unless the new French Copyright Act halts this and sets off a trend in the opposite direction.

Liability of News Undertakings. — We are indebted to the French magazine *Annales de la Propriété industrielle, artistique et littéraire* for the text of a judgment of the Paris Court of Appeal on 2nd November 1957 which has a bearing on television as being a news undertaking or *entreprise d'information*. The case concerned a false attribution of the making of an article, which incidentally was probably not in copyright, to someone other than the real author. The main grounds for the judgment are given below. They clearly show that it is the Court's intention that the same principles should apply not only to cinema newsreel firms, as in the case in point, but to other bodies purveying news to the public as well.

A cinema newsreel undertaking, *like any news undertaking whatsoever*, [2] is under a strict obligation to check and verify the news it wishes to present to the public and must not exhibit the material it receives until it has satisfied itself as to their genuineness and correctness.

It is therefore immaterial in the present case that an agency in which the newsreel undertaking had every confidence should have sent it the film and the script which it distributed for exhibition; the need to inform the public speedily is not a valid excuse : such a plea is no more admissible in relation to the cinema than it is in relation to the press.

If through its negligence some mistake has been made which is harmful to some third party, the cinema newsreel undertaking is liable in damages.

GERMANY (Federal Republic)

Protection of Broadcasts. At the request of the NWRV, the Hamburg *Landgericht* in a judgment handed down on 18th March 1959 enjoined the defendant, the owner of a number of cinemas, from showing in public on large screens the television reportages and news transmitted by the plaintiff. Any transgression of this injunction is punishable by a fine to which no limit has been set or by a term of imprisonment of up to six months. The defendant's cinemas had shown in public to a paying audience the matches relayed from the World Football Championships.

We shall shortly be publishing the reasons adduced by the tribunal in its judgment, against which an appeal can still be lodged. In the meantime readers may refer to Professor Ulmer's excellent article on the subject matter of the case, published in our last number.

[1] *EBU Bulletin*, No. 45, p. 589.

[1] See *EBU Bulletin*, No. 46, p. 703.

[2] Our italics.—Ed.

BOOK REVIEWS

Ausgewählte Kapitel aus dem Schweizerischen Presse-Recht, by Max Nef. (Schweizerischer Zeitungsverleger-Verband, Zurich).

To mark the 75th anniversary of the Swiss Press Association celebrated on 6th and 7th September 1958, Mr. Max Nef, a Berne editor, has written a slim but substantial volume the Newspaper Publishers' Society commissioned of him and in which he deals with the main legal problems with a bearing on the Press in Switzerland. By this courteous gesture the newspaper publishers made a point of honouring the journalists, their loyal and steadfast fellow-workers, at a time when their professional association was looking back over three-quarters of a century of work.

This kind intention among *confrères* warms the reader to the book, independently of the fact that the author, a journalist in Berne for many years, is a writer of recognised authority and experience. Mr. Nef discusses in turn the freedom of the Press in the Swiss Federal Constitution, Press copyright and the journalists' right to work, the latter chapter covering the measures of social legislation at present applicable to the journalistic fraternity. Mr. Nef's essay is remarkable for its clarity and for a conciseness which, while it cuts away the frills to good purpose, yet manages to retain and delve into the essentials. In this review we shall confine ourselves to his considerations on the subject of copyright.

Mr. Nef takes the Berne Convention as his starting point. This perhaps is not entirely correct chronologically, but it shows how much this diplomatic instrument is generally accepted nowadays as a source of substantive law. The former Swiss Federal Act on Literary and Artistic Property of 1883 is at least three years senior to the Berne Convention in the original version of 1886. But it is true that the Swiss Copyright Act of 1922, in the provisions relating to the protection of ordinary Press articles, is clearly patterned on the solutions which the Berne Convention had evolved in the meantime at the Berlin revision conference of 1908. A subsequent revision, that of Rome in 1928, has somewhat though not materially modified the international regulations on the subject under review. Proof of this may be found in the fact that Switzerland could adhere to the Rome version without considering it necessary to bring its 1922 Statute into strict conformity with the latter version. The Berne Convention was again revised in Brussels in 1948, but the provisions of Article 9 (relating to the contents of newspapers and periodicals) have remained unchanged from the 1928 version.

This time, however, the Swiss reaction was different. Since in any event the 1922 Act was in need of revision in various respects, advantage was taken of the opportunity to adapt Article 25 of that Act to the international regulations on the matter. The Swiss did even more; they went slightly farther in the journalists' favour than the Berne-Rome-Brussels Convention. The latter would permit of the unhampered reproduction by the Press of articles on current economic, political or religious topics, unless the reproduction thereof was expressly reserved. In its new dress Article 25 of the Swiss Act (according to the text in the amending Act of 24th June 1955) begins by reciting the international definition of articles on current topics, but if the newspaper or periodical article is labelled as an " original article " or " from our own Correspondent ", it makes such designation equivalent to a reservation forbidding reproduction. Such a designation carries with it protection even in the absence of language expressly reserving reproduction.

Mr. Nef sets out the situation in a very workmanlike way, but fumbles a little over the conditional freedom to reproduce in the Press the articles on current topics mentioned above. He recalls that the Bureau of the International Union for the Protection of Literary and Artistic Works had proposed that the Brussels Conference should extend unconditional protection (i.e. without the reservation formula) to all articles appearing in newspapers and periodicals, with the sole exception of " news of the day " or miscellaneous information which is simply of the nature of items of news, or in other words run-of-the-mill *faits divers*. If one considers the intellectual value of the subject-matter and the work that goes into its composition, it is certain that an article on a current economic, political or religious topic is not, on the face of it, inferior to a scientific or literary article that is devoid of these features, or to a short story or an instalment of a serial. But it must be confessed that in order to lend substance to the intellectual give-and-take that is essential to shape public opinion, it is probably a good thing not to hinder unduly the reproduction of these writings that are put out from day to day, often indeed with a talent that is worthy of a less ephemeral reception. The proposal of the International Bureau, which Mr. Nef approves, was justified in theory, but it was perhaps not altogether in keeping with the need for the " larger picture " in the present-day manner. Even the journalists themselves do not stand to gain exclusively from granting reproduction licences at a price; the unrestricted freedom to reproduce certain of their articles does much to bring their thinking to a wider public and broaden their reputation, which in turn will indirectly influence the pecuniary side. All in all, and without denying the cogency of the arguments put forward by the International Bureau and by Mr. Nef, this reviewer feels that the Brussels Conference took a wise and moderate decision when it decided to keep the Rome provisions. It might be objected that the requirement to tack a formal reservation on to certain articles in order to secure protection for them is unpractical and, moreover, contrary to a fundamental principle of the Berne Convention, which is by and large opposed to copyright subject to formalities. Admittedly, the

prohibition of reproduction when spelled out *in extenso* is a bit cumbersome, and a more flexible solution, e.g. that of the © in the Universal Copyright Convention, would be preferable. That way lies the future, perhaps. Once reduced to a single letter of the alphabet, the reservation formula would truly be a negligible burden.

B. M.

Universal Copyright Convention, An Analysis and Commentary by Arpad Bogsch. New York, R. R. Bowler Co., 1958. (One bound volume of 299 pages, price 12 dollars.)

Mr. Arpad Bogsch is well qualified to expound the intricacies of the Universal Copyright Convention as he acted as Secretary of the Conference promoted by UNESCO at Geneva in 1952 which drew up the Convention. Mr. Bogsch was associated with the Copyright Division of UNESCO from 1948 to 1954 and since then he has been Legal Adviser in the United Stated Copyright Office at Washington. Mr. Bogsch has therefore an intimate knowledge of the preparatory stages which led up to the signature of the Convention and he has also been concerned with its practical implementation in the United States of America. The latter aspect is of considerable importance as one of the main objects of the Geneva Conference was to produce an international convention which would not conflict with the requirements of U.S. copyright law and would enable the United States to undertake reciprocal copyright arrangements with the countries of the Berne Union.

Mr. Bogsch has " authored " (to use his own phrase) a comprehensive volume which has all the marks of elaborate documentation and detailed analysis that one has come to expect from the publications of the UNESCO Copyright Division and the U.S. Copyright Office. The text of the Convention is given in three different languages (English, French, and Spanish). The report of the Geneva Conference by the *Rapporteur-Général* (the late Sir John Blake, Comptroller-General of the United Kingdom Patent Office) is also given in full, together with the recommendations *(voeux)* made by the Geneva Conference and the documents issued by the Inter-Governmental Copyright Committee set up under the Convention.

The greater part of the volume is taken up by an analysis and commentary on the Convention in which Mr. Bogsch discusses every Article and indeed almost every word of the Convention with painstaking care and shrewd logic. The result of this analysis is to show that eleven of the twenty-one Articles in the Convention and two of the three Protocols annexed to it are open to criticism in varying degrees. In several cases the wording of an Article is considered by Mr. Bogsch to be unfortunate and other provisions are described by him as superfluous, uncertain, contradictory, questionable, inaccurate, curious, improper and cryptic. The question of the relations between the Universal Convention and the Berne Convention was one which gave rise to much argument at the Geneva Conference and it is therefore perhaps not surprising that Article XVII which deals with these relations contains the greatest number of Mr. Bogsch's criticisms.

The writer of the present review had approached Mr. Bogsch's volume with the expectation that it would supply a convincing justification for the Universal Convention, but the volume has in fact increased the reviewer's doubts.

The first doubt is whether the Convention, which Mr. Bogsch has shown to be drawn in such vague and unsatisfactory language, will be effective to solve the problems of international copyright which surely require the clearest and most precise definition of terms. It is to be hoped that those concerned with the drafting of the proposed convention for the protection of neighbouring rights *(droits voisins)* will take heed of this danger and will not provide material for another devastating analysis by Mr. Bogsch.

The reviewer's second doubt is whether the Convention will justify its title of Universal. It will do so if, as Mr. Bogsch says, the title means that the Convention is open to all States of the world. It will not do so if the meaning is that the Convention is operative throughout the world unless there is a substantial increase in the number of States acceding to the Convention. So far some thirty States have ratified or acceded to the Convention, but this number includes such minor States as Andorra and Liechtenstein and a glance at the map attached to the Annual Report of the U.S. Copyright Office for 1958 will show that there are many parts of the world where the Convention is not yet operative. Incidentally, it would have been interesting to be told Mr. Bogsch's view of the position in regard to the Philippines which first acceded to the Convention and then purported to withdraw their instrument of accession prior to the date when it would have become effective. If Mr. Bogsch is correct in his interpretation of Article VIII it would seem that an instrument of accession cannot be withdrawn once it has been deposited with UNESCO.

The third doubt in the mind of the reviewer is whether the Convention will in fact have the desired effect of encouraging countries where copyright legislation is still undeveloped to provide an initial degree of protection on the comparatively low level of the Universal Convention but which might ultimately lead to the higher standard of protection existing under the Berne Convention. Rather surprisingly the Universal Convention seems to have had the contrary effect in Canada where the Report of the Royal Commission on Copyright has recommended that Canada should accede to the Universal Convention and that it should not adhere to the Brussels Revision of the Berne Convention. The Royal Commission did, however, recommend that Canada should remain within the Berne Union as a party to the Rome Revision and in this connection it is interesting to note Mr. Bogsch's comment on Article XVII that the price of withdrawal from the Berne Union is the denial of protection under the Universal Convention in other Berne countries.

E. C. ROBBINS.

E.B.U. ACTIVITIES

GRAND PRIX OF THE 1959 EUROVISION SONG CONTEST

The European final of the contest was held on 11th March 1959 in Cannes and was organised by the Radiodiffusion-Télévision Française (RTF).

The winning song was presented by Nederlandse Televisie Stichting (NTS) and was entitled

" EEN BEETJE " *(A little bit)*

Music by Dick SCHALLIES
lyrics by Willy VAN HEMERT

sung by Teddy SCHOLTEN

to the accompaniment of the Franck Pourcel Orchestra conducted by Dolf VAN DER LINDEN.

This song obtained 21 points out of 100.

Eleven television services took an active part in this year's contest. The final was relayed over the Eurovision network by twelve member organisations of the EBU, serving in all approximately fifteen million viewers, and by a large number of sound broadcasting stations.

As in previous years, the European jury was decentralised. It was composed of eleven national juries consisting of ten persons each, who were asked to judge on small screens in their own countries the songs presented by the ten television services of the other countries taking part in the broadcast. The juries' announcements were amplified, to enable them to be heard by all the viewers and listeners.

The final classification was as follows :

Teddy Scholten (Netherlands) with the song " Een Beetje "	21 points
Pearl Carr and Teddy Johnson (United Kingdom) : " Sing Little Birdie "	16 ,,
Jean Philippe (France) : " Oui, oui, oui "	15 ,,
Christa Williams (Switzerland) : " Irgend woher "	14 ,,
Birthe Wilke (Denmark) : " Jeg vilie onske jeg var dig "	12 ,,
Domenico Modugno (Italy) : " Piove "	9 ,,
Bob Benny (Belgium) : " Hou toch van mij "	9 ,,
Ellen and Alice Kessler (Germany) : " Heute ich möchte bummeln "	5 ,,
Brita Borg (Sweden) : " Augustin "	4 ,,
Ferry Graf (Austria) : " Der K. und K. Calypso aus Wien "	4 ,,
Jacques Pills (Monaco) : " Mon ami Pierrot "	1 ,,

Special telephone arrangements were fitted up by the French PTT administration. The EBU Technical Centre was in charge of the preparations for transmission over the network and for the technical coordination in the International Coordination Centre at the Brussels Palais de Justice.

A special tribute must be paid to the RTF for the perfect organisation both on the programme and on the technical side, and for the friendly atmosphere that prevailed at this event. After the performance, a brilliant reception was offered by the Municipality and the Festival Committee of the town of Cannes.

(Photo J. Feneyrol)

GRAND PRIX OF THE 1959 EUROVISION SONG CONTEST

Mr. Jean d'Arcy, programme director of French Television, greets the participants. On the right, Dr. Bonhomme, Deputy Mayor, representing the Mayor of Cannes.

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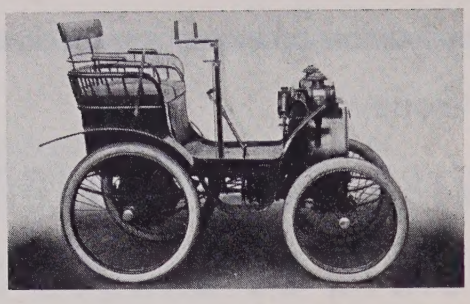
Deux phrases courantes, quotidiennes, qui prennent une valeur complémentaire dans la période de relations internationales troublées que nous vivons.

La radio vous dit d'heure en heure ce qui se passe; une fois par jour, le Journal de Genève vous dit pourquoi.

JOURNAL DE GENÈVE

QUOTIDIEN FONDÉ EN 1826 DIRECTEUR GÉNÉRAL: RENÉ PAYOT

Sa tradition de politique étrangère, son autorité en politique suisse, sa compétence en matières économiques et financières font du JOURNAL DE GENÈVE le conseiller éprouvé de l'homme moderne.



RENAULT

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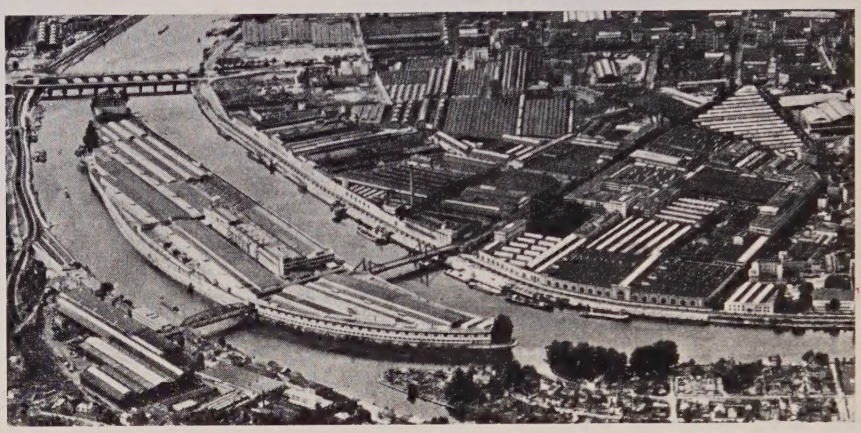

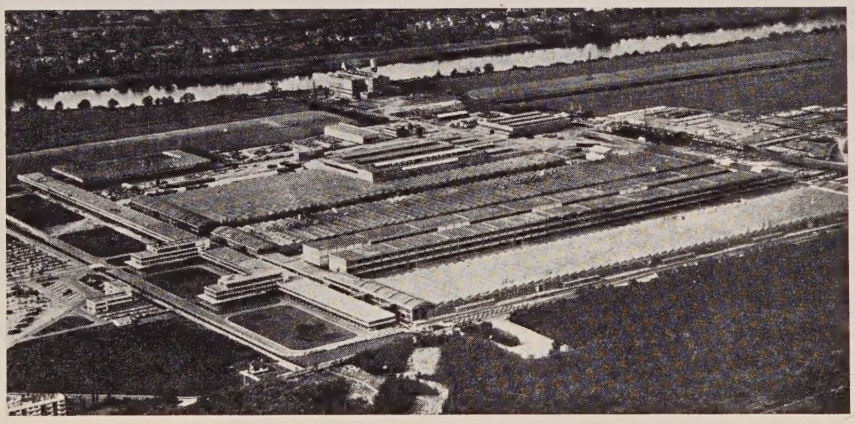

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Scattered all over the world, 6000 authorised distributors and agents ensure that Renault drivers receive efficient service everywhere.

The RÉGIE RENAULT is run entirely on private, independent lines. As a nationalised enterprise it enjoys no privileges whatever, paying exactly the same rates in dues and taxes as any other French industrial concern. On the 1957 turnover of 216,000 million French Francs, for instance, the sum paid out in taxes, etc., amounted to 40,000 million Francs.

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TECHNICAL CENTRE

Directorate : 4, rue de la Vallée, Brussels - Telephone : 47.98.57
Telegraphic address : Uniradio Brussels - Telex : 02.230 Brussels

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Finland — Oy. Yleisradio Ab.

France — Radiodiffusion-Télévision Française

German Federal Republic — Arbeitsgemeinschaft der Oeffentlich-Rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (A.R.D.) comprising :
- Bayerischer Rundfunk
- Hessischer Rundfunk
- Norddeutscher Rundfunk
- Nord- und Westdeutscher Rundfunkverband
- Radio Bremen
- Saarländischer Rundfunk
- Sender Freies Berlin
- Süddeutscher Rundfunk
- Südwestfunk
- Westdeutscher Rundfunk

Greece — Hellenic National Broadcasting Institute

Iceland — Rikisutvarpid

Ireland — Radio Eireann

Israel — Israel Broadcasting Service

Italy — RAI - Radiotelevisione Italiana

Lebanon — Service de Radiodiffusion de la République Libanaise

Luxembourg — Compagnie Luxembourgeoise de Télédiffusion

Monaco — Radio Monte-Carlo

Morocco — Radiodiffusion Nationale Marocaine

Netherlands — Nederlandse Radio-Unie, comprising :
- Algemene Vereniging Radio-Omroep
- Nederlandse Christelijke Radio Vereniging
- Omroepvereniging VARA
- Stichting Katholieke Radio-Omroep
- Vrijzinnig Protestantse Radio-Omroep

Norway — Norsk Rikskringkasting

Portugal — Emissora Nacional de Radiodifusão

Spain — Radio Nacional de España

Sweden — Sveriges Radio

Switzerland — Société Suisse de Radiodiffusion

Tunisia — Radiodiffusion-Télévision Tunisienne

Turkey — Directorate-General for the Press

United Kingdom — British Broadcasting Corporation

Vatican State — Vatican Broadcasting Service

Yugoslavia — Jugoslovenska Radiodifuzija

Associate Members

Australia — Australian Broadcasting Commission

Belgian Congo — Radio Congo Belge

Burma — Burma Broadcasting Corporation

Canada — Canadian Broadcasting Corporation

Ceylon — Radio Ceylon

Ghana — Ghana Broadcasting System

Haïti — Service des Télégraphes, Téléphones et Radiocommunications de la République d'Haïti

Japan — Nippon Hoso Kyokai

New Zealand — New Zealand Broadcasting Service

Pakistan — Radio Pakistan

Portugal — RTP - Radiotelevisão Portuguesa

Union of South Africa — South African Broadcasting Corporation

United Kingdom — Independent Television Authority and Independent Television Companies Association Ltd.

United States — US Information Agency
National Broadcasting Company, Inc.
National Association of Educational Broadcasters
Columbia Broadcasting System, Inc.

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